

THE WHOLE PROCEEDINGS
ON
THE TRIAL
OF
AN ACTION

BROUGHT BY
THOMAS WALKER, MERCHANT,
AGAINST

R WILLIAM ROBERTS, BARRISTER AT LAW,
FOR A LIBEL.

TRIED BY
A SPECIAL JURY

AT THE ASSIZES AT LANCASTER,

MARCH 28, 1791,

Before the Hon. Sir ALEXANDER THOMSON, Knight,

ONE OF THE BARONS
OF HIS MAJESTY'S COURT OF EXCHEQUER.

TAKEN IN SHORT HAND
BY JOSEPH GURNEY.

MANCHESTER:
PRINTED BY CHARLES WHEELER.

Sold by Messrs. Falkner and Birch, Stationers, in the Market-place
and by all the Booksellers in Manchester; and by
J. Johnson, No. 72, St. Paul's Church-
yard, London.

M.DCC.XCI.

41.

7.

5.

61.



76

COUNSEL

FOR THE PLAINTIFF.

Mr. LAW.
Mr. Serjeant COCKELL.
Mr. WOOD.
Mr. TOPPING.

SOLICITOR

FOR THE PLAINTIFF.

Mr. WHITAKER.

COUNSEL

FOR THE DEFENDANT.

Mr. CHAMBRE.
Mr. LAMBE.
Mr. PARKE.
Mr. CHRISTIAN.

SOLICITOR

FOR THE DEFENDANT.

Mr. SHELMERDINE.

THE NAMES OF THE JURORS.

Charles Gibson, Esq. of Lancaster.
Thomas Earle, Esq. of Liverpool.
James Orrell, Esq. of Parr.
Edmund Rigby, Esq. of Ellell Grange.

TALES MEN.

John Boardman, of Orford.
James Kenyon, of Heap.
James Lodge, of Poulton.
Thomas Payne, of Liverpool.
Josias Robinson, of Chatburne.
James Sawrey, of Hornby.
John Threlfall, of Chorley.
Adam Whitworth, of Castleton.

CONTENTS.

	PAGE.
Mr. Law's Speech - - - - -	9
Evidence of Mr. Hilton - - - - -	31 & 155
of Mr. Milne - - - - -	42
of Mr. Wood - - - - -	44
of George Lloyd, Esq. - - - - -	46, 57, & 69
of James Starkey, Esq. High Sheriff for the County of Lancaster } - - - - -	55
of Mr. Brundrett - - - - -	57
of Mr. Kinafton - - - - -	63
of Mr. Rawlinson - - - - -	64
of Mr. Whittaker - - - - -	65
of Mr. Kay - - - - -	68
Mr. Chambre's Speech - - - - -	71
Evidence of the Rev. Lewis Loyd - - - - -	103
of Mr. Seddon - - - - -	105
of Mr. Grant - - - - -	113
of Mr. Harrop - - - - -	117, 129, and 132
The Defendant's first Address to the Public - - - - -	117
The Defendant's first Letter to Mr. Walker - - - - -	118
Mr. Walker's Answer - - - - -	ib.
The Defendant's second Letter to Mr. Walker - - - - -	121
Mr. Walker's Answer - - - - -	ib.
The Defendant's third Letter to Mr. Walker - - - - -	125
Mr. Walker's Answer - - - - -	ib.
The Defendant's fourth Letter to Mr. Walker, which Mr. W. returned unopened } - - - - -	126
The Defendant's Letter to Mr. Johnson, Mr. George Philips, and Mr. John Philips } - - - - -	127
Mr. Walker's first Address to the Public - - - - -	130
Evidence of Mr. Wheeler - - - - -	134
Mr.	

Second Address from the Defendant (in reply to Mr. Walker's Address in page 130)	} 141
Mr. Walker's second and <i>last</i> Address (in reply to the Defendant's Address in page 141)	} 135
The Defendant's Message sent by Mr. Swann	136
Mr. Walker's Answer delivered by Mr. Richardson	ib.
Letter from Mr. Johnson, Mr. John Philips, jun. and Mr. George Philips	} 138
Letter from Mr. Walker to Mr. George Philips	ib.
Answer from Mr. George Philips	139
Evidence of Thomas Nelson	144
Mr. Law's Reply	149
Summing up	192

ERRATA.

- Page 14, line 13, for proceeding read *proceedings*. ✓
 27, 13, for discrete read *discreet*. ✓
 89, 9, dele *not*. ✓
 168, 11, for disputes read *dispute*. ✓
 196, 11, for paper read *papers*. ✓
 204, 9, for Defendant read *Plaintiff*. ✓

HOWEVER painful may be the remembrance of the circumstances which gave birth to the following Trial, I should not, in my own opinion, nor I trust in the opinion of any unprejudiced person, as a Parent have done justice to my Family, or as a Citizen have discharged my duty to Society, had I not laid the whole of the proceedings before the public,

THOMAS WALKER,

Manchester, June 18, 1791.

[*The Declaration was opened by Mr. TOPPING.*]

Mr. LAW,

MAY IT PLEASE YOUR LORDSHIP—AND YOU, GENTLEMEN OF THE JURY,

IT often occurs, in the course of our professional life, and whenever it does occur, a most painful circumstance it is, that we are obliged, in the discharge of its necessary duties, to oppose ourselves to the interests, the wishes, and sometimes to the tenderest feelings of those, with whom we have antecedently lived in the habits of some familiar intercourse and acquaintance—but considerations of this sort, or even of that regard which grows out of a near degree of intimacy and friendship, if any such had happened to subsist between the defendant and myself, would not, (as surely they ought not,) warp my conduct upon this occasion—

B

recollecting,

recollecting, as I must, that I represent Mr. Walker, the Gentleman who sits by me; a person injured almost beyond the limits of any recompence which it is in your power to make him; for I defy my learned Friend to tell me how a person applying himself with the most deliberate and industrious malignity, to ransack the English language for terms of the most severe and cutting reproach, could have succeeded better; or could, indeed, have found and applied any, that so immediately strike at every thing that is honourable in man; every thing which constitutes a part of the general estimation, either of a Gentleman, a Merchant, or a Citizen of the Community, as those terms which his client has thought fit to employ on this occasion.—The language has been ransacked but too successfully, and the paper I will now read to you, is the mischievous result of this ill-applied diligence:

MR. THOMAS WALKER

Commenced his virulence against me

like a	- - - -	BULLY
Has conducted it like a	- - -	FOOL
Has acted in it like a	- - -	SCOUNDREL
Has ended it like a	- - -	COWARD
At last has turned	- - -	BLACKGUARD

And unworthy of association with, or notice of any Gentleman, who regards his own character,

WILLIAM ROBERTS.

This is not a sudden gust of anger, arising out of some unforeseen occasion, as perhaps my learned friend may endeavour to impress you that it is, but is the mature fruit of a *deliberate pre-conceived* purpose of traducing and injuring Mr. Walker; a purpose which the defendant had not only the wickedness to conceive, but the folly to declare, long before this publication
found

found its way into the world ; a purpose of lowering and degrading him in the estimation and within the immediate circle of his own fellow-citizens—and by the aid of that commodious vehicle which he has adopted for the circulation of his slander, of propagating his name with every vile note and appellation of infamy tacked to it, to the remotest corners of the world, at least as far as our national commerce, and the connexions of Mr. Walker (which are, I believe, nearly co-extensive with the range of that commerce) are in fact extended and dispersed.

Gentlemen, I have stated that the publication now before you, had its origin in a *pre-conceived* purpose of malice ; and I beg, if you have ever heard or read any thing which should make you believe the contrary, and suppose it to be the sudden effect of rash but provoked anger, that you will at least suspend your belief in this particular, till you have heard that volume of evidence which I am about to lay before you, which will shew you clearly and satisfactorily, that Mr. Roberts, before he received any thing which he could *miscall*, for indeed he never did receive any thing which he could properly call, or which, in fact and substance, was either injury or insult ; but before he had received any thing which the *most angry* and *peevish spirit* could, by gross misconstruction, deem an affront, I say, before any such period as that I allude to ; Mr. Roberts, from a jealousy excited by the superior weight and consequence of Mr. Walker, and which he had acquired by the fair use of popular talents and popular exertions in the Town of Manchester, where he resided, had determined, and I fear it will appear, that in this determination he was actuated by the most sordid and mean of motives, to

endeavour to pull down the well-earned reputation of the Gentleman who sits by me.

I think it was some time in September, in the last year, that there had been a meeting at the Infirmary, at Manchester. I should have in some degree apprised you in the outset of what I am offering to you, of the situation and condition of the parties, but the business now before you has been too much the subject of conversation of late, to have left you uninformed of such particulars—being (as I will therefore presume you to know) both of them resident at Manchester, they met at the Infirmary on the 23d. of September last, where the measure then under consideration was the appointment of an additional number of Medical Assistants, to attend upon that Institution; a measure which was thought by many to be very necessary, and fit to be adopted, on account of the increased number of patients, and the larger demand for Medical assistance which that increase had occasioned.

Many Gentlemen assembled upon that occasion, and delivered their sentiments upon the subject then under discussion with the freedom which became them. It happened that Mr. Walker was of opinion, that more Medical assistance was, under the then circumstances and situation of that Infirmary and the Town of Manchester, necessary to be had, in order to promote further the ends of that Institution.—Mr. Roberts was of a different opinion. Each of them endeavoured to sustain his own opinion by argument, but it does not appear that any thing passed in the course of that discussion that could impress the mind of any person, even of the *forest minded* man in the world, with an idea that any affront, insult, or injury was intended to be offered by Mr. Walker to Mr. Roberts, in any thing which fell from him upon that occasion.

However,

However, it will appear, that upon the first of November subsequent to that meeting (Mr. Walker having in the mean time been appointed to an honourable situation in that place, I mean to the office of Boroughreeve of Manchester) Mr. Roberts being then in company at the Bridgewater-Arms, with two Gentlemen of the town of Manchester, of great respectability, whom I shall presently call to you, took occasion to talk about the business of the Infirmary, and lamented that at the last meeting he had not called Mr. Walker, and proclaimed him to be, what he thought he in fact was, *a damned liar*—that he wished he had done it—that the first opportunity he had of meeting him he would affront him—that he would do more, that he would challenge him—that he was the man of all others that he wished to affront and quarrel with—that he had sought the occasion and opportunity—that he would seize the first that offered—that *he wished to pull him down and degrade him—that he thought he might raise himself to a degree of consequence by doing so*—and he suggested that, which if it comes out in evidence, is so fordid and so base, that if the declared purpose I have already stated be capable of receiving any aggravation, it will receive it from this circumstance. I do not wish to prejudice the Defendant by stating what possibly may not be proved; if it be, I trust it will have its proper effect on your minds as a farther circumstance in deciding what damages you are to give my client, and what reparation he is entitled to receive at your hands.

Gentlemen, after he had made this declaration of his intentions respecting Mr. Walker, there was held in the town of Manchester, on the 5th. of November, an annual meeting, to commemorate a very great and glorious event; an event which every man, who at all esteems the liberty
of

of his country, recollects with particular thankfulness—I mean the event of the Revolution, which took place on that day, in the year 1688. There were convened for the celebration of this anniversary, many Gentlemen of consideration and note in the town and neighbourhood of Manchester; and it happened that Mr. Walker, the present Plaintiff, was put in the Chair as President of that meeting, by the voluntary election of the Gentlemen present; other Gentlemen of consideration and property were placed at the head of other tables. It was the particular duty of the President upon that occasion, to regulate the order and decorum which belong to the proceedings of such an assembly, and to promote the general purposes of mirth and good humour,

Mr. Walker, in that situation, conducted himself (*I shall shew upon evidence that cannot be questioned—upon the testimony of Gentlemen to whose words you will give implicit credence*) with as much delicacy, with as much propriety, with as much good humour, with as much anxiety to conciliate the good-will and to promote the satisfaction of the gentlemen present, and in short, to answer the great purposes of the meeting itself, as any Chairman at any meeting of the same sort ever exhibited.

After the cloth was removed, toasts of course went round, and it is usual, you know, to call for songs, and such are generally called for as commemorate either the triumphs of our country, or the gallant achievements of individuals, who have at different periods adorned it; after songs of this kind, which are most peculiarly calculated to elevate the hearts of Englishmen, any others which are most likely to promote the mirth and entertainment of a public meeting, are in turn brought forward,

A Gentleman

A Gentleman then present, of the name of Wood, suggested as a song of some humour, and that would probably be well received by the company present—a song generally known by the name of “Billy Pitt the Tory.” Mr. Wood addressed himself to the Chairman, and desired he would be so good as to call for the song of “Billy Pitt the Tory.” It is a song, which I do not know, whether you can call perfectly innocent and in-offensive, but there is certainly some humour in it; and I am confident, that the Gentleman, whose name that song bears (being at once a good humoured man, a man of humour, and equally disposed to delight in the wit of others, as to indulge the exercise of his own) would have sat perfectly undisturbed at hearing the song, if he had not even joined in the laugh which it occasioned: this, however, furnished an occasion of quarrel, to the fore and *pre-determined* spirit of Mr. Roberts; and finding a Gentleman, an intimate and particular friend of Mr. Walker, who was present, and who thinking that the song bore too near an affinity to modern politics, and to questions of subsisting difference amongst us, wished it should not be sung—Mr. Roberts hearing this objection made by Mr. Philips, the Gentleman I allude to, Mr. Roberts repeated and enforced the objection, in a clamorous and angry manner.

The moment it was found by Mr. Walker, that the song was disagreeable to any individual in the room, it was withdrawn, and another, perfectly unexceptionable, was substituted in its place; the song of “Britannia rules the Waves.” The song which immediately preceded it, was one called the “Vicar of Bray,” which is a general banter upon all parties, and party principles. The Vicar was a great political turncoat, and occasionally sided with every party which was uppermost, in every
change

change of Government which took place, from the reign of King Charles the second, down to the accession of the House of Hanover; a period the most fruitful in political change of any that our history knows. It was after the singing of this song, that it was proposed to sing "Billy Pitt the Tory," and that song being, as I have related, withdrawn, the popular song of "Britannia rules the Waves" was sung, with the general approbation of the whole company. No person present had an idea, that in the proposing the one song, the withdrawing that song, or the substitution of another, there was offered, or intended to be offered, by, or to, any man in that room, any insult or ground of offence whatsoever.

Some time, however, after this song had been sung; when every person in the room, except Mr. Roberts himself, was in perfect good humour, Mr. Roberts came up to Mr. Walker sitting as President of the meeting, but with no character of Magistracy then belonging to him—for you well know it was a mere voluntary assembly of persons, collected for a festive purpose, and that the presidency of such a meeting is perfectly independent of the situations and functions which the President may happen to bear elsewhere—he comes up to Mr. Walker in a solemn way, and begins his address to him by the appellation of—"Mr. Boroughreeve"—upon which, Mr. Walker conceiving he meant business, or whether he did so or not, that that appellation was perfectly misapplied to him sitting in the Chair of a Convivial Meeting, said—"I am no Boroughreeve here"—by which, I understand him, as in effect saying, if you have any thing to propose that relates to toasts or songs, to jollity, mirth, or good fellowship, go on with it; I am Mr. Walker, the Chairman at the head of the table, with a
bottle

bottle and glass before me; I have nothing to do now with the public business of the Town of Manchester—"I am no Boroughreeve here."—Is it possible to conceive a provocation or affront couched under these words, or capable of being inferred from them; and if there be not, I defy my learned Friend, from the beginning to the end of the business, to assign, on the behalf of his Client, any thing that bears the colour of a provocation, or can reasonably be supposed to have produced the insult to Mr. Walker which immediately followed. Mr. Roberts said, "In future, Sir, I will neither address you by that, nor any other title, *God damn you*—but you shall hear from me."

Now, is this the language of a Gentleman? Is this the conduct of a person who is fit to be admitted into any festive meeting whatever? Is it not language that breathes the spirit of that cool, sober, *watchful malice*, which alone brought him to that place; which he had already declared should bring him to some public Meeting where he might find an opportunity of affronting Mr. Walker? "*God damn you*—but you shall hear from me." The only answer Mr. Walker condescended to make him, was—"Very well." I think you could hardly expect a more inoffensive and decent reply to such a menace.

Mr. Roberts went home; and what immediately intervened between that period and the expiration of ten days afterwards, when this *wicked Scroll of Slander* issued from the press; what passed in that interval, let my learned Friend, if he feels it for his advantage, state. I trust, Gentlemen, that if he does state it, I shall make it recoil upon him in such a manner, that he will in his prudence and discretion afterwards regret he has done so: for it was followed up with a train of insults the most provoking; with a series of publications,

envenomed by a *malignity* the most unqualified; and, Gentlemen, all this was accompanied by a circumstance more inexcusable in my poor apprehension, than almost any other which is to be found throughout the whole of these most culpable transactions, and which I have no doubt will, with every person of liberal sentiments, weigh as heavily against the Defendant as any other matter that can be put into the scale against him: I mean this—that the publications I allude to were made in breach of that implied good faith and confidence which is tacitly annexed to every correspondence, be it angry or amicable, that passes amongst Gentlemen. If this correspondence shall be hereafter produced or stated, I charge Mr. Roberts that he did, without the consent or even the previous knowledge of Mr. Walker, wantonly, and for the very purpose of vilifying him, usher into the world in print, a part of the private correspondence which had recently passed between them. On the terms of that correspondence, its objects or its issue, I do not at present think myself at liberty to comment, because I have no right to charge him with any more libels than are put upon the record—this one alone is amply sufficient, for it contains the *accumulated venom* of all the rest.

Mr. Walker, Gentlemen, did not think it became him to prefer an indictment, or to move for an information against Mr. Roberts, because in pursuing either of these modes, he would have precluded Mr. Roberts from justifying, as we call it; that is, from alledging the truth of the defamatory paper which he had published; he therefore instituted this proceeding; he brought a civil action against him, and thereby gave him the full effect of every defence which he might be able, or desirous to avail himself of. In answer to this action

Mr.

Mr. Roberts was at liberty to state, and to rely upon the truth of all, or most of these injurious appellations, as applied to Mr. Walker: for the Law of England will not suffer a person, *justly* held up to infamy, to recover that civil compensation from the person who exposes him, which is alone due to an innocent man. He might, therefore, if he had dared to rest his defence on that ground, have averred that the contents of this paper were true.

The words are—It is painful to read them over a second time in the presence of persons acquainted with the language of Gentlemen, and the feelings of men of honour; for every word has a sting in it—every word strikes at the heart, and wounds the acutest sensibility of every person who loves the estimation of his fellow citizens, or dreads the loss of it.—

It begins thus—"He commenced his virulence against me like a *Bully*."

Where are we to find the commencement? where, indeed, the existence of any virulence towards him on the part of Mr. Walker? Was it at the Infirmary? Let him shew this Gentleman behaving like a Bully there—and if it was not there, you will recollect I have already opened to you, that *before they met on the 5th of November*, Mr. Roberts had already announced his purpose of degrading, insulting, and challenging Mr. Walker; so that if any virulence proceeded from Mr. Walker on the 5th. of November, you might naturally conclude (after this intimation of Mr. Roberts's purpose) it would rather be the *effect* than the *cause* of some provocation on the part of Mr. Roberts. They met then on the 5th. of November—Did Mr. Walker's conduct there commence like that of a Bully? Was there any thing of virulence in his reply to Mr. Roberts? Could any one

guard and moderate his expressions more, or speak to another in a manner less provoking than he did? for he merely told Mr. Roberts, when he gave him the appellation of a civil office, which he was not exercising at the time, "I am no Boroughreeve here." And when he had thrown out that unprovoked and illiberal menace which he did, at the time Mr. Walker was sitting in the Chair, "*God damn you*, Sir, but you shall hear from me"—language which no Gentleman, whose senses were not intirely besotted with wine, could utter, without feeling in the instant, that he owed an apology to all who sat within the hearing of it.—I say, after this insult and indecency on the part of Mr. Roberts, does Mr. Walker put on the demeanor of a Bully, or launch any of these *supposed* shafts of virulence against him? If there is any commencement of virulence here, I presume we shall find it in his answer—his answer was only "very well." It would be ridiculous to ask you if there is any venom in these words. Indeed, I am persuaded you will find nothing, from first to last, that bears a resemblance to bullying or virulence, in any language or terms applied by Mr. Walker to Mr. Roberts.

"He has conducted it like a Fool."

What folly has the conduct of Mr. Walker exhibited? I think if I could propose a line of conduct more correct than another—if I were asked how a man placed in such a situation, at such a meeting, and having called for a song proposed by one of the company, and opposed by others, should conduct himself with the most unexceptionable propriety and good sense, I should point out the very conduct which Mr. Walker observed on this occasion.—A song is objected to, it is waved, and another, most congenial to the feelings and spirit of every Briton, is sung in its room.—Could any conduct be less like that of a Fool than this? Where is its folly?

folly? yet this is the epithet with which Mr. Roberts has chosen to distinguish it.

In the next stage of this calumny I find a term, which, in its ordinary use and application implies, as I conceive, a destitution of every social, moral, and honourable principle.

“Has acted in it like a *Scoundrel*.”

What do we understand by the word *Scoundrel*? If I am not correct in the definition of the word, I wish my learned Friend would try his hand at it, and furnish me with a better.—It means, in my apprehension, the absence of every sentiment that makes a person fit to be trusted or esteemed, in the intercourse between man and man—A destitution of every moral and every liberal principle whatever—This is the term which Mr. Roberts has thought fit to apply to Mr. Walker.—If you know Mr. Walker's antecedent life—if you know his habits of behaviour; his connexions; his general deportment in civil and domestic society; his conduct as a merchant or a gentleman—is there any thing that warrants his being thus held forth in this great commercial county, and in that town of it which is perhaps (with the single exception of the Metropolis) the largest and most commercial of any which this nation can boast? Where and how has he earned this distinguished place in the temple of infamy, which Mr. Roberts, it seems, is so ready to assign him?—If Mr. Roberts had felt himself warranted in thus describing Mr. Walker, surely he might have detailed upon this record some circumstances of baseness; some traits of dishonour; some degrading anecdote of his past life; all of which it would have been competent for him to have averred upon the record, in maintenance of this part of his charge, or at least of the conclusion
which

which he draws from the whole of it; namely, "That Mr. Walker was a person unworthy to be associated with, or to have any notice taken of him by any Gentleman who regarded his own character." If the term Scoundrel wanted any explanation, you see Mr. Roberts has himself supplied it by these words.

Now will my Friend in his discretion say, or say without correction by my Lord if he should so say, that the Defendant could not have justified upon this Record any part of the charge he has made against Mr. Walker—that he could not have averred and shown (if the fact would have borne him out) that Mr. Walker was a Scoundrel, or a man unworthy of association with Mankind—Might he not have stated of him circumstantially, that he was guilty of this or that particular act of fraud in his character of a Merchant—of this breach of trust in his private confidential transactions between man and man—or in short of any species or degree of that general guilt or depravity, which is comprehended and collected under this compendious name of villainy?—Mr. Roberts not being disabled from doing this in point of law, and not being able in point of fact to bring forward any such circumstance, in the life and history of the person he has thus represented, *has confessed that this his most foul and acrimonious charge is wholly destitute of foundation*; and being so, what do I ask of you as men, as Gentlemen, as Merchants, if any of you are of that description, but to give him a compensation adequate to the extensive injury which his good name may have already suffered, in every quarter of the globe where this light and portable piece of mischief may by this time have travelled?

It

It is not in his character of a Merchant only—not as a Member either of a larger or smaller circle of civil society—but *as the Father of a Family*—the FATHER OF CHILDREN, who are to inherit his honor or dishonor, that he demands of you the retribution of this injury, and the reparation of his fame.—How are his SONS, when they shall hereafter be capable of knowing the contents of this foul libel, to comport themselves with filial reverence and regard towards a father thus stigmatized and degraded, unless his character be redeemed by you?—How painfully must the DAUGHTERS of this Gentleman (whose age will better enable them to have a present sense of the common insult and injury to their family) feel, during this anxious interval, and in which it is yet undecided whether their Father is the basest of mankind!—In every room they enter their very appearance will suggest and revive the recollection of this Slander—They will hear it circulate in whispers round them, or they will learn it no less sensibly from the looks, or the silence of the Company.—They will feel the pang repeated every time they see a different face, or enter into any new Society of people.—Are these things to be endured or done in a Country governed by law, and where man ought to measure his conduct towards man with some regard to the interests, situation, and feelings of his neighbour?—This Mr. Roberts has done without a shadow of provocation.—I will permit him to show his provocation, if he had any. He had no provocation—he can shew none—he has done all this for the *malignant purpose* of gratifying his spleen, his jealousy, or his hate, at the expence of one whom he had *determined*, if possible, to humble or destroy.

“ He

"He has ended it like a Coward."

I wish the Defendant had chosen to state something upon the Record, for something within allowable limits he perhaps might have stated, that should make Mr. Walker a fit object of this degrading term of reproach. Not having stated it, I am not at liberty to travel into evidence to shew, that he has behaved with the firmness of a man, or with the gallantry which distinguishes a Gentleman, upon such occasions of danger as have presented themselves in the course of his life.—The Defendant not having chosen to justify this epithet, I am only able to state it unjustified, as a further addition to the catalogue of his calumnies, proceeding from the same source of *pre-determined Malice*, and claiming punishment at your hands in the same manner, and on the same grounds, as the other terms of virulence and abuse which I have stated to you already.

I will not waste your time in observing at any length upon the structure of this and the following sentence, and in shewing that the Defendant is a bad Writer.—I am labouring to shew what is much more material to the present purpose—that he is a *bad and a malignant man*.

After having stated, however, that he had ended it like a Coward (as if the *ending* was not the *last* thing) there is, it seems, something to come *after* the *ending*.

"At last has turned *Blackguard*."

Now this is not an expression that finds itself in the mouth, or at the end of the pen, of any Gentleman of *liberal habits or education*—and I am really sorry that any Gentleman belonging to the same profession with myself should have disgraced himself by writing any thing so illiberal and indecent, even if this gross expression had been used in the abstract, and not applied to any living person whatever.

"That

"That he is a person unworthy of association with,
"or notice of any Gentleman who regards his own
"character."

This was meant by Mr. Roberts to operate as a total exclusion of Mr. Walker from every house which it was worth his while to enter, and from the society of every person whose society would do him honor, or contribute to the comfort of himself and his family.—Will my learned Friend say that no part of this could have been justified? I know that we could not, either upon the Record itself, or in our address to you, adopt and vindicate all the romantic ideas of an age of Chivalry upon the subject of Duelling—my Lord would unquestionably restrain us, if we attempted so to do—but all the other imputations contained in this libel might have been, to a degree, justified upon this Record—and as far as he could have justified the truth of it, his silence has added his own Seal in testimony of the *falsehood* of this charge: Being, therefore, as he admits it, *false*, and being, as I shall further prove it, *deliberately malignant*, you have only to consider, unless you hear some evidence from my learned Friend that may introduce some other topics for your consideration, to what extent the character or feelings of Mr. Walker can reasonably be supposed to have been injured by it.

To have complained of any immediate and actual damage sustained by it, would have been to admit Mr. Walker's character the reverse of what it is—but you have a right to estimate in the way Juries do, when they are judging respecting the character of persons traduced, what may be the possible unseen mischief that Mr. Walker has suffered, even in a pecuniary point of view; and Gentlemen of his extensive concerns are, you know, much more liable to suffer mischief in this way,

D

than

than persons whose walk of life is more contracted and confined.

Gentlemen, you may consider—and every British Jury ought to consider—every man who feels for his Neighbour ought to weigh—what injury have his feelings sustained? What wound has the peace of his family suffered? Has not every part of it been degraded?—I don't mean that they are materially degraded at this moment, when the good sense of mankind is, I hope, recovered, and the *malignity* of the poison abated—but at the moment when this paper first issued from the press, and there had not intervened a sufficient time to enquire into the truth, and to examine the nature of the circumstances—would there not then be, as I have already suggested, a shyness amongst mankind at the reception of Mr. Walker and his Family?

If Mr. Roberts had indeed received an insult, would it have been just or liberal to have avenged himself in this manner? but *uninjured and unprovoked as he was*, the *malicious aggressor* in a *causeless quarrel*, I hardly know what limits you can properly set to your Damages, short of that sum which may reduce him to the most degraded and impoverished situation.

This mischievous Hand-bill (as you may readily conceive it would) has already passed through all the great Towns of this Country—has circulated in the Metropolis—has been found, I believe, in every place to which the post could convey it.

My learned Friend who sits by me suggests, what I think I should have mentioned, but which I am very much obliged to him for suggesting—that this does not come forth like a mere paragraph in a Newspaper—a thing without a name—a squib in the dark, which might be thrown at random by an unknown hand—but it has here
subscribed

subscribed to it the name of the Defendant, "William Roberts"—a person whose name, residence and profession are known—and therefore people would naturally give in the first instance a greater degree of credit to a paper of this sort, so coming, vouched and attested, than they would to more loose and unauthenticated slander.

There is a wide difference between words accidentally dropped in heat, which are often the subject of actions, and the *deliberate writing* of Slander. Words dropped in heat, particularly if they were provoked, as usually they are, would not weigh much in the way of damages with any discreet and sensible Jury, unless indeed they were afterwards in a cooler moment persisted in—but here, at the distance of ten days at least from the alleged, but *futile pretence* of affront or quarrel, is this *malignant*, but unprovoked Libel, vomited forth.—What must be the heart of that man, who could be all this length of time boiling and brewing within him such foul and mischievous materials, as have at last found vent and discharged themselves upon this paper? I say again, I know not a punishment within any ascertainable limits, that can be at all adequate to this injury—It is an act, in point of *intention*, as *malignant*, and more so, than if he had applied a pistol to Mr. Walker's head, and destroyed him at once.—The *intention* evidently was to embitter his existence as long as it should endure. He could not be ignorant, that by sapping the foundation of his credit and character, he should destroy that of his fortune—and at last involve him and his Family in entire and irretrievable ruin.

And I put it to you as Merchants and men of sense, (some of you perhaps are Merchants, and all of you

have a proper acquaintance with the concerns of mankind) whether any person at Petersburg, Amsterdam, Cadiz, or any other foreign commercial Port, receiving this Libel, bearing upon the face of it such marks of authentication as it does—finding this Gentleman stated in the strongest terms to be a Scoundrel, and unfit every way for the Society of Gentlemen—would he not hesitate in consigning goods or giving orders to him? Would he not hesitate to engage in any new transaction, in which his property and name might be mixed with those of a person so described? He would at least suspend his concerns with him, till he could write to other Correspondents in London or Manchester, and enquire into the truth of it.

His foreign correspondent might perhaps reason thus—Who knows but he may be base enough to divulge and publish hereafter the very letters I shall now write to him? Who knows but he may do that, which it is possible you may hear that Mr. Roberts has done? I trust you will weigh all these circumstances in your mind, and if my learned Friend, having abandoned any justification of this libel on the score of its truth, shall forbear to call any witnesses, and content himself merely with making observations upon my evidence, and with an exculpatory address to you; in that event I beg you will, in justice to the Gentleman I represent, who will then be deprived of such comments as I should be able to make upon the arguments of my learned Friend—I beg in that case you will have the goodness to recollect in what situation he stands before you.—He stands before you as a man who has received an injury of the severest kind, *without provocation*—has received that injury from a man who *sought* the opportunity of inflicting it—who has pursued his purpose with the same *malignity* which gave birth to it—and this too after a sufficient portion of time had elapsed

elapsed for the effervescence of his mind to have subsided and cooled, and for reason and humanity to have resumed their seat.

If you can add to this paper any term of reproach short of the imputation of the most horrid crimes, you have a better acquaintance with terms of reproach and the catalogue of calumny than I have.—I own, recollecting, and endeavouring to recollect, every thing which will most powerfully sting and irritate the feelings of a Man, I find it in this paper.

I shall now produce my witnesses.—I shall lay before you the circumstances which immediately preceded this Publication.—I shall show the Defendant's *pre-conceived* and *pre-declared* purpose of vilifying, traducing, and degrading Mr. Walker.—I shall next show the means he has used in the prosecution of this purpose; and I shall then leave you, as men of sense and discernment, to infer the extent to which it has been, or may be, mischievous to my Client.

Many cases I have known, where a Plaintiff has not been able, or has not attempted to give in evidence, or even suggested that there had been any actual injury received by him. In the case of the Gentleman whose name is mentioned in the Song which I have been talking of—I remember in the case of Mr. Pitt, who was traduced in a Newspaper, I think by an insinuation or charge of his having acquired money by gambling in the public funds—a thing of which I believe there was no person in this country of any party, or let his political principles or inclinations be what they might, that did not do that Gentleman the justice to think him innocent, and to believe his hands as pure as those of his illustrious Father—and though he had not suffered the loss of a single penny, (and which his Counsel in
the

the fullest manner admitted) yet a Jury, resenting the impudence of such an attack, gave him, as they ought, a verdict for no inconsiderable sum in damages.

You are, however, well aware, that the situation of Mr. Walker is widely different from the situation of the eminent person I have last alluded to.—The situation of a MERCHANT is peculiarly exposed to pecuniary injury, and I trust you will, in the Verdict you shall give, make him not only a reparation for every injury of this nature, but by the testimony which it will impliedly bear to his integrity and honor, effectually administer an antidote to every mischief which this venom might otherwise occasion; and that he may not be ashamed, that every person in every country to which his dealings or the knowledge of this calumny shall extend, may know in what manner a Jury of his Countrymen have resented, and have compensated his wrongs.

Gentlemen, I will lay my evidence before you, and then I trust you will do that justice to Mr. Walker, which you would expect under similar circumstances to be done to yourselves,

EVIDENCE

EVIDENCE for the PLAINTIFF.

Mr. James Hilton. (sworn)

Examined by Mr. Serjeant Cockell.

Q. You live at Manchester.

A. Yes.

Q. You are of the Profession of the Law.

A. Yes.

Q. What is Mr. Walker's profession?

A. A Merchant and Manufacturer.

Q. Do you know Mr. Roberts, the Defendant?

A. Yes.

Q. I understand that you have some Office respecting the Infirmary.

A. I am Secretary to the Infirmary and Lunatic Hospital.

Q. Do you remember attending any Meeting at which Mr. Walker and Mr. Roberts were?

A. Yes.

Q. Do you remember the time?

A. It was at the Quarterly Board at Michaelmas. I do not recollect the day.

Q. What was the purpose of that meeting?

A. It was a meeting called to consider of the propriety of the rule that limited the number of the Physicians and Surgeons to three each.

Q. Was there any difference of opinion respecting that subject?

A. There was,

Q. Do

Q. Do you happen to recollect whether Mr. Walker and Mr. Roberts were of different sentiments at that meeting?

A. They were.

Q. Do you remember seeing Mr. Roberts at any time after this at the Bridgewater Arms?

A. I do.

Q. Do you recollect upon what day?

A. It was the beginning of November; I think it was the first of November; It was on a Monday evening.

Q. You saw Mr. Roberts there?

A. Yes; in the public Coffee-room.

Q. Had you any conversation with him—or did he address himself to you respecting Mr. Walker?

A. Mr. Milne and I were together looking at the News-papers; he came up to me: he said, Well, Mr. Secretary, how do you do? what you are going to have another meeting, a special Board, I understand.—There was a special Board called for the Thursday after, the fourth of November, for confirming or rescinding these resolutions; at least it was a special Board. I asked him whether we should see him there, or something of that sort: why, he could not tell—he said, I suppose the great Walker will be there.

Q. At that moment of time who did you understand to be alluded to by the great Walker?

A. Mr. Walker, the Plaintiff, most certainly.—Mr. Roberts then said that he had been dining at Messrs. Heywoods, the Bankers, and they had been rallying him about his speech that he had made at the Infirmary, and he particularly mentioned Mr. Benjamin Potter's name for one.—He said Mr. Potter had asked him whether he had not a speech ready written, that he intended

to speak at the special Board. He said the Company had paid him a very poor compliment to think that he could not speak as well as Walker, or that he should have a speech written down—that he could not speak extempore; or something of that sort.

Q. Did he say any thing that he would do to Mr. Walker or say of Mr. Walker?

A. He called Mr. Walker a number of names.

Q. But did he say that if he attended that meeting he should offer any thing?

A. No, he did not. He asked me if I recollected Mr. Walker's using him ill at the prior Board, the Midsummer Board.* I told him I did recollect Mr. Walker said something to him, but I did not recollect the exact words.

Q. Did he ask your opinion whether Mr. Walker had affronted him at that meeting?

A. He said he had affronted him,

Q. What was your opinion upon that?

A. That he had not affronted him.

Q. Did you express yourself so to him?

A. I made no answer.

Q. Whether Mr. Roberts said he should affront or quarrel with Mr. Walker?

A. Yes; but before that he said Mr. Walker was a proud, haughty, overbearing, imperious fellow.

Q. Was the word fellow used?

A. Yes; and the first time that he had an opportunity he would quarrel with him; that there was no man that

* Mr. Walker was *not* at the Midsummer Board, which is explained by Mr. Hilton in Mr. Law's reply; he was then in London. Mr. Walker *never* was at the Infirmary with the defendant, except upon the 23d. of September, 1790.

that he would so soon quarrel with; that the Town gave him credit for being a very clever fellow, or a clever man.

Q. Did he say any thing, whether he would endeavour to lower that estimation?

A. No.

Q. What did he say further?

A. He repeated several times that he was a passionate haughty man, and that he would quarrel with him the very first opportunity; he talked a good deal about challenging him too.

Q. Do you remember, whether Mr. Roberts regretted that he had not said something, and what, to Mr. Walker, at the Infirmary?

A. Yes, I do very well; he said, he was very sorry that he did not call him a damned liar, at the Infirmary. He said, that Mr. Walker had contradicted him at the Infirmary, and he was sorry he had not called him a damned liar.

Q. You have already said, that he talked of challenging Mr. Walker.

A. I cannot say that he said he would challenge Mr. Walker.

Q. What did he say?

A. He talked a good deal generally about challenging and quarrelling, and that Mr. Walker had had a quarrel with Mr. Kearsley.

Q. You have told us he said he would rather quarrel with Mr. Walker than any other man.

A. Yes.

Q. At the time he said that, did he say any thing about challenging?

A. Yes, he said Mr. Walker had challenged Mr. Kearsley,

Q. You

Q. You said he declared he would rather quarrel with Mr. Walker than any man in England, and that he was determined to do so—whether at that time he either talked about fighting or challenging?

A. I do not recollect that he did.

Q. Did he give any reasons what were his own motives why he should wish to quarrel with Mr. Walker—what he should get by it, or any thing of that sort?

A. No.

Q. Do you happen to recollect whether Mr. Pitt was mentioned at all at this time?

A. No, he was not.

Q. Do you remember when the Revolution Dinner was had?

A. It was in a few days afterwards; on the fifth of November.

Q. Did you see Mr. Roberts at any time, and when, after the Revolution dinner?

A. I saw him the day following, which was the Saturday, in the Coffee-room.

Q. You do not know whether Mr. Roberts at the first meeting mentioned the Revolution dinner, or not. Did he say he should be there?

A. He did not.

Q. What did Mr. Roberts say respecting Mr. Walker on the sixth of November?

A. I met him at the Coffee-room on the Saturday. He asked me if I had heard of the quarrel—I asked him, what quarrel? He seemed surprized that I had not heard, and told me that he had quarrelled with Walker at the Revolution dinner the day before. He was surprized that I had not heard it, because, he said, there was a very large, a very numerous company, and it was well known, he said, up and down the Town, that

he had quarrelled with him. Mr. Roberts immediately went out of the room—I think he went to dine in another room.

Q. Did you see him afterwards?

A. Yes—he sent for me in.

Q. Now, relate all that passed.

A. He repeated he was surprized that I had not heard it. To convince you, said he, that we have quarrelled, I will show you the Letters.

Q. Did he say what was likely to be the issue of the quarrel?

A. Yes; he said he expected that Mr. Walker would send him a challenge.

Q. Did he say whether he wished that circumstance to happen?

Mr. *Chambre*. That is leading a witness.

Mr. *Serjeant Cockell*. What did he say?

A. He said, if he did not send him a challenge that he would blow him.

Q. I must press you to relate the whole.

A. He said he would blow him; for he would advertise the letters that had passed, if Mr. Walker did not challenge him. I told him, if I was him I would not think any thing at all about it, for it was nonsense; or something of that sort. He said he supposed that the Manchester Printers would not print for him; but if the Manchester Printers would not insert the letters in their papers, he would have them inserted in the London papers, let the expence be what it would. He said that he never could forgive Mr. Walker for the insult.

Q. Whether Mr. Roberts said any thing about advantage, or not?

A. No.

Q. Was

Q. Was Mr. Pitt mentioned?

A. Yes—he did say something of Mr. Pitt—he said, Who knows but Mr. Pitt may get to hear it.

Q. What did he say further upon the subject of Mr. Pitt?

A. He did not say any thing further respecting Mr. Pitt?

Q. Did he say any thing further respecting himself?

A. No.

Q. Did he say why he wished Mr. Pitt should hear of it?

A. I do not recollect that he did.

Q. Did he mention any thing of consequences?

A. No.

Q. Did there nothing pass further at this meeting?

A. I was called out, and I did not go in again.

Q. Have you ever seen Mr. Roberts at any other time?

A. Yes, many times.

Q. I am confining myself, when I ask of Mr. Roberts, respecting this transaction. When did you next see him?

A. I don't know what day it was the next time I saw him.

Q. Where was it?

A. I met him once at Mr. Shelmerdine's office.

Q. What did he say to you at that time?

A. He did not say any thing to me at that time in particular.

Q. Do you remember Mr. Roberts saying any thing to you about the Action, between the first and the twelfth of February?

A. Yes, he did—he said that Mr. Walker was going forward with the action, and that he had retained all the Counsel against him.

Q. Did

Q. Did he say whether he liked it or not, or whether he cared for it?

A. He did not care a farthing for him—he wished he would try it.

Q. Was any mention made of damages?

A. He hoped and wished that there would not be forty shillings damages given.

Q. Did he say any thing about any other sum?

A. He did not.

Q. Was any sum mentioned?

A. Yes: he was talking that Mr. Walker had treated him exceedingly ill, and that if he had submitted to such insolence, neither I, nor any other Attorney in Manchester, would ever look upon him, or ever employ him.

Q. Was any sum of four hundred pounds, or any thing of that sort mentioned?

Mr. *Chambre*. You know that is not the way of asking questions—the witness is a professional man.

A. After he had said that, he said that he bore Mr. Walker no ill will; that he should be very happy to shake him by the hand. He said that he was doing very well in Manchester: that he considered himself as a Gentleman, and would not be treated otherwise by any man.

Q. What further did he add?

A. He said he was doing very well in his business, and getting money, owing, as he supposed, to Mr. Lloyd being so much out of Town. He said he wished he had one good Counsel to plead his cause, because he understood it was the etiquette that he should not plead his own cause—that Mr. Topping had told him so.

Q. Did he mention Mr. Walker at this meeting?

A. He did; but no more than I have told you.

Q. Did

Q. Did he ever show you this paper?

A. He did not.

Q. Was there any thing more that passed?

A. I do not recollect.

Q. Was not Mr. Heywood mentioned?

A. Not at that meeting.

Q. Any thing said about money?

A. Yes; he said he had 150l. or more, at Heywood's Bank.

Q. How was that to be applied?

A. He did not say.

Mr. James Hilton,

Cross Examined by Mr. Chambre.

Q. This first meeting at the Bridgewater Arms was after dinner on the first of November.

A. It was in the evening between eight and nine o'clock.

Q. Mr. Roberts had been dining at Mr. Heywood's.

A. He said so; he seemed to be in liquor.

Q. He gave you an account of his having been rallied at Mr. Heywood's, about the supposed difference that had arisen between him and Mr. Walker, at the meeting at the Infirmary; and being in liquor, he made use of the expressions you have given us an account of.

A. He did.

Q. The next meeting was after dinner, when he shewed you the letters.

A. Yes.

Q. How many letters did he shew you?

A. Two or three letters.

Q. So that letters had been interchanged between Mr. Walker and Mr. Roberts at that time.

A. Yes.

Q. He

Q. He did not show you merely his own letter, but Mr. Walker's answer to it—

A. He did.

Q. Was Mr. Roberts in a room by himself at that time?

A. He was.

Q. Did he send for you in?

A. Yes.

Q. For what purpose?

A. I do not know.

Q. To drink a glass of wine with him?

A. I suppose so; he sent the waiter into the news room to me.

Q. And while you were drinking this wine, this conversation passed between you that you have given an account of?

A. Yes.

Q. Did he not then say that he should be glad to shake Mr. Walker by the hand?

A. No.

Q. That was afterwards, at the last conversation.

A. Yes.

Q. How came you to go and relate this foolish private conversation, that had passed between you and Mr. Roberts over a glass of wine, in confidence and friendship?

A. I did not relate it to any body except Mr. Milne, who was in company, till within these six weeks.

Q. But this conversation you last mentioned.

A. Mr. Richard Walker called upon me, and asked me as to the conversation that had passed between me and Mr. Roberts, and I told him all I had heard.

Q. Mr. Richard Walker is Brother to the Plaintiff.

A. He is: but before that I was told I should be called upon.

Q. To

Q. To relate this business?

A. To relate what I knew.

Q. And you very freely and fully disclosed all this private conversation that passed in this room?

A. I certainly told the truth.

Q. And the whole truth?

A. Yes, I did.

Q. Do you know any thing of the quarrel between Mr. Kearsley and Mr. Walker?

A. Only that I heard Mr. Walker and Mr. Kearsley had a quarrel some years ago.

Mr. Law. We want to hear nothing about that.

Mr. Chambre. You enquired into it.

Mr. Serjeant Cockell. I did not enquire into it; on the contrary I avoided it, as not having the most distant connexion with this Cause.*

Mr. Chambre. By the term the great Walker, you understood the Boroughreeve to be meant.

A. Yes.

Q. Mr. Walker is a man of great consequence at Manchester; he is a leading man there.

A. He is.

Q. And like many other great men, particularly men invested with high offices of dignity, such as Boroughreeve, likes to have his own way pretty much.

A. He is a very active Townsman, and a very good one too.

F

Mr.

* Mr. Walker cannot discover the propriety of referring upon this trial to a dispute between Mr. Kearsley and him, which happened and was terminated upwards of four years ago—Mr. Walker by no means wishes to remember it, and he trusts Mr. Kearsley is equally desirous it should remain buried in oblivion—But from its having been so unaccountably brought forward on the part of the Defendant, Mr. Walker thinks it incumbent on him to declare, there was no part of his conduct on that occasion, which he is not still convinced was perfectly justifiable, and proper in every respect.

Mr. *Serjeant Cockell*. And at this moment not only the Town of Manchester, but this County at large feel the good effects of his activity,

Mr. *Thomas Milne*, (sworn)

Examined by Mr. *Wood*.

Q. Was you at the Bridgewater Arms a few days before the fifth of November last?

A. I was.

Q. Did you see Mr. Roberts there?

A. Yes.

Q. And Mr. Hilton, the last Witness?

A. Yes.

Q. Did you hear any conversation about the Infirmary business?

A. There was some desultory conversation between Mr. Hilton and Mr. Roberts: I was reading the paper and did not pay much attention to it: I recollect very little of it.

Q. What do you recollect?

A. I did not attend to it particularly; it was generally about the transactions of the Infirmary; I did not pay attention to it.

Q. Did you hear Mr. Roberts say any thing with respect to Mr. Walker?

A. Yes.

Q. Recollect all you heard him say?

A. He talked about Mr. Walker's violence.

Q. Did he say any course he intended to take in consequence of that violence?

A. I heard him say there was no man he would so soon quarrel with, or be offended at,

Q. Did

Q. Did you hear any thing said about challenging ?

A. I believe he did say, that if Mr. Walker was to offend him he would challenge him.

Q. Do you recollect his saying any thing more with respect to Mr. Walker ?

A. He might say more, but I did not attend to it, and cannot speak to it.

Mr. Thomas Milne.

Cross examined by Mr. Lambe.

Q. I believe before Mr. Roberts said any thing about Mr. Walker being offended, he first said, that Mr. Walker offended him very much, and complained of it.

A. He possibly might ; but I do not recollect the conversation at all, for I did not attend to the conversation ; it was between Mr. Hilton and Mr. Roberts, and I was reading the news-paper, and did not attend to the conversation.

Q. You was perhaps at a distance ?

A. I was on the other side of the Coffee-room.

Q. Was he speaking about Mr. Kearsley at that time, do you know ?

A. Since that conversation I have heard Mr. Hilton say so ; upon that circumstance I have some faint recollection.

Q. That conversation was about Mr. Walker and Mr. Kearsley.

A. I have some faint recollection of it.

Q. I suppose from your imperfect memory you cannot take upon you to say, whether he said he would challenge him, or whether it was not a conversation about a challenge between Mr. Walker and Mr. Kearsley.

A. I am certain he said that if Mr. Walker were to offend him he would challenge him.

Mr. Ottiwell Wood, (sworn)

Examined by Mr. Topping.

Q. Was you at the Revolution dinner on the 5th, of November?

A. I was.

Q. You was one of the company.

A. I was.

Q. I believe the Plaintiff, Mr. Walker, was Chairman of that meeting.

A. He was.

Q. After dinner had you any songs?

A. There were several songs sung after dinner.

Q. Do you recollect whether you desired any song to be sung?

A. I did; but there had been one or two songs sung by other Gentlemen before—I asked Mr. Walker to request Mr. Taylor to sing a song.

Q. Did you desire the Chairman to call for any particular song?

A. I did,

Q. What was the song you desired to be sung?

A. A song which generally goes by the name of "Billy Pitt the Tory."

Q. Did Mr. Walker, as Chairman, in consequence of your desire, call for that song?

A. He did.

Q. Did he call for that song in the same way he had done for the others?

A. I saw no difference in his mode of calling for that song, more than any of the others.

Q. You don't mean to say, I suppose, that you was the only person that desired that song.

A. No—by no means,

Q. You

Q. You asked the Chairman to call for that song, and others joined you in it, I understand you.

A. I will relate the circumstances which induced me to call for it.—Two or three Gentlemen, who were in that part of the room where I sat, seemed of the same opinion with myself in wishing for it; and in consequence of their wishes coinciding with my own, I went up to Mr. Walker, took him by the arm, and desired he would ask Mr. Taylor to sing it.

Q. Then Mr. Walker, in consequence of your desire, called for the song, in the same way you say that he had called for others before.

A. I saw no difference.

Q. What was Mr. Walker's conduct as Chairman of that meeting.

A. The conduct of a Gentleman, in every respect.

Mr. Ottiwell Wood,

Cross examined by Mr. Parks.

Q. I believe you sat at a different table in this room from Mr. Roberts.

A. I did.

Q. You sat at the table Mr. Walker sat at.

A. Yes.

Q. Mr. Roberts sat at another table.

A. Yes.

Q. Do you recollect seeing Mr. George Philips there?

A. I recollect seeing him in the room.

Q. Do you recollect at what table he sat?

A. I think at the table Mr. Roberts sat at; I am almost sure so.

Q. Don't

Q. Don't you recollect Mr. Philips objecting to this song being sung?

A. After Mr. Walker had called upon Mr. Taylor for this song, I heard some opposition from somebody, but from whom I cannot tell: I looked up towards Mr. Walker, who sat at some distance from me, and the voice of the person who was making opposition to it seemed to proceed from the other table; but the Gentleman who was making the opposition had his back turned to me, and I cannot be certain who it was.

Q. You know Mr. Philips.

A. Very well.

Q. Did you hear his voice making an objection?

A. I did not—not that I knew it to be his voice.

Q. Did you hear him make a speech upon the occasion?

A. I did not.

Q. The song was not sung, it was withdrawn, not meeting with the approbation of the company?

A. It was not sung.

Mr. Topping. Mr. Walker interfered as Chairman, when he found some opposition to the song; the song was not sung, and another was called for.

A. It was.

Q. What was the song that was sung instead of "Billy Pitt the Tory."

A. "Britannia rules the waves."

George Lloyd, Esq. (sworn)

Examined by Mr. Law,

Q. You was at this meeting.

A. I was at the Revolution dinner,

Q. You know Mr. Walker,

A. Yes,

Q. What

Q. What is he ?

A. A very considerable Merchant and Manufacturer in Manchester.

Q. Of very extensive concerns ?

A. I have always understood so.

Q. Foreign and home concerns, or only home concerns ?

A. Both.

Q. I believe he is in partnership with his brother, Mr. Richard Walker.

A. He is.

Q. You was at this meeting of the Revolution Society, on the 5th. of November.

A. I was.

Q. Will you have the goodness to relate to my Lord and the Jury, the conduct of Mr. Walker upon that occasion, and what you saw pass between Mr. Roberts and him.

A. Mr. Walker was the Chairman of that meeting—There had been Stewards appointed ; he, as one of them, was desired when we met to take the chair.

Q. A mere voluntary appointment, I understand.

A. Yes : there were two tables : he was the Chairman of one table, and Mr. Hopwood of the other table ; Mr. Hopwood said he was not very well, and desired Mr. Walker to give the toasts, and act as Chairman.

Q. Did Mr. Walker conduct himself in that situation with impartiality and decorum, and as a Gentleman should, placed in such a situation ?

A. Perfectly so ; with the utmost propriety.

Q. Was there much harmony and good humour before the time I am going to ask you to ?

A. A very agreeable pleasant meeting it was, till about an hour after dinner,

Q. I take

Q. I take for granted there had been some songs sung, and some toasts gone round.

A. There were four hired Catch-fingers, who sung several catches after dinner.

Q. Songs of various sorts, I suppose.

A. Of various kinds; after some catches the High Sheriff was desired to sing a song: he sung one called "Liberty Hall": afterwards I think Mr. Rigby, and several others, desired Mr. Walker would call upon some Gentleman to sing "The Vicar of Bray", which was sung by Mr. Hobson—In a little while after Mr. Wood came up, and desired Mr. Walker to call upon Mr. Taylor to sing the song of "Billy Pitt the Tory"; saying, that he sung it very well.

Q. It is a common popular song—I believe it is very much in use; you have often heard it sung.

A. Yes—Mr. Walker called upon him in the same way in which he had before called upon Mr. Hobson and upon the High Sheriff.

Q. Then you understood that song to be called for by Mr. Walker, merely upon the motion of Mr. Wood, and the other Gentlemen who concurred with Mr. Wood in wishing it.

A. Entirely—Mr. Wood came up from the bottom of the table, and desired him to call upon Mr. Taylor to sing it: I sat next to Mr. Walker.

Q. In proposing that song was Mr. Walker more than passive—merely the instrument of the pleasure of the company?

A. Merely so; just as he had been in the former songs. Very soon after that was called for, before Mr. Taylor began to sing, Mr. Roberts, who sat at the other table with his back towards me (we each sat with our backs towards the middle of the room; he was considerably lower down than I was in the room) got up, and made

made some objection—I do not recollect the words—stating, that he thought it a party song, and not proper to be sung there, or something of that kind; I do not recollect the words at all. Mr. George Philips sat next to Mr. Roberts; he got up, and said he seconded Mr. Roberts's motion, and spoke a few words. This occasioned a good deal of noise in the room, some calling out that they would have the song: while that noise was going on Mr. Taylor began another song, "Rule Britannia." During the singing of it, and after it was over, many Gentlemen came up to Mr. Walker, and desired he would persist in calling for the song of "Billy Pitt the Tory," for they were sure a majority would support him in it, and they would have it called. Mr. Walker said he had called for it upon the request of another; that he did not wish it called for, and he would not call for it again. I believe I asked Mr. Taylor afterwards to sing it, and he refused me; Almost immediately afterwards Mr. Roberts got off his seat and came up to Mr. Walker: when he came up to him he said, "Mr. Boroughreeve"—upon which Mr. Walker said, "Sir, I am no Boroughreeve here— I am the Chairman of this meeting."—Mr. Roberts immediately said, "Sir, in future I shall never address you by that or any other title"—and immediately added, "*God damn you*"—as he turned from Mr. Walker he said that,—When Mr. Roberts had got almost to his seat, but before he sat down, he turned round again, and said, "But you shall hear from me." Mr. Walker said, "Very well."—I think Mr. Roberts went away soon after: I looked in a short time, and he was gone. In a little while the harmony of the meeting was restored, and we continued together some time.

G

Q. You

Q. You was present at the Infirmary meeting, which was about the 23d. of September, or some time prior to the Revolution meeting.

A. Yes.

Q. How did Mr. Walker behave himself upon that occasion—Did you see any insult offered by him to Mr. Roberts?

A. Not the least.—We each spoke our own sentiments—there was a difference of opinion upon the subject of appointing more Physicians and Surgeons, and it was carried by a ballot.

Q. Was there any thing pointed to Mr. Roberts in the having more Surgeons and Physicians, or any thing in that dispute that was insulting to him?

A. I did not see any thing at all.

Mr. Law. - Till I have proved the publication of the libel, I shall not ask Mr. Lloyd about the circulation of it.

George Lloyd, Esq.

Cross examined by Mr. Christian.

Q. Mr. Roberts did not sit at the same table with the Chairman.

A. He did not.

Q. Did Mr. Wood desire Mr. Walker aloud to ask for this song?

A. He did not; he came up to him, and took hold of his shoulder, and said he and several others desired it might be sung.

Q. Desired him publicly.

A. I sat next to him; I heard him, but Mr. Roberts, I dare say, could not.

Q. Mr. Roberts objected to the song being sung.

A. He did.

Q. Do

Q. Do you remember what he said upon that occasion?

A. I did not hear him very perfectly, but I understood him to say that it was a party song: I don't remember the words, but I considered that as being the only objection.

Q. Don't you remember that Mr. Philips made a speech?

A. He spoke for perhaps a minute—I should conceive not more.

Q. He spoke much longer than Mr. Roberts did?

A. He spoke for about a minute—I should not think longer.

Q. Is not Mr. Philips (the Gentleman who objected to the song) an intimate Friend of Mr. Walker's?

A. He is.

Q. A very intimate Friend of Mr. Walker's.

A. Yes, a very intimate Friend.

Q. Did not Mr. Philips go up to the Chairman?

A. Yes, he did.

Q. He came up to the Chairman before Mr. Roberts did?

A. No, I think it was afterwards.

Q. Did not Mr. Philips first of all come up to the Chairman, to remonstrate upon the impropriety of singing this song?

A. Mr. Philips came up, and had some words with Mr. Walker; Mr. Walker blaming him for having interfered when he must know that he (Mr. Walker) had no particular desire in the calling the Song, but that it was at the desire of the company that he called for it.

Q. There were words of anger between Mr. Walker and his friend Mr. Philips.

A. Words of some anger.

Q. This was before Mr. Roberts came.

A. No, I think after; but I am not certain.

Q. Do you remember whether Mr. Philips staid in the room afterwards?

A. After Mr. Philips had been with Mr. Walker, I saw him take up his hat; I got off my seat, and went to him—I begged him not to go. He said Mr. Walker had treated him ill, and that he would go. I desired him to sit down; he did, upon my desire, and staid some time—I don't know how long; I went to my seat again, and some time after I observed he was gone.

Q. You saw, in consequence of these angry words of Mr. Walker to his friend Mr. Philips, that Mr. Philips was hurt and chagrined at the angry words he had received from Mr. Walker; and you followed Mr. Philips, and requested that he would take no notice of it,

A. I did.

Q. At your desire he sat down again?

A. He did.

Q. But after some little time he went away.

A. Yes; I think the next time I looked for him he was gone—I don't know whether it was more than ten minutes.

Q. Did Mr. Philips or Mr. Roberts leave the room first?

A. I think Mr. Roberts left the room first.

Q. But they both left the room.

A. They both left the room.

Q. When Mr. Roberts came up to Mr. Walker he began by addressing him "Mr. Boroughreeve,"

A. Yes.

Q. Did he say any thing more before Mr. Walker said "I am no Boroughreeve here?"

A. No.

Q. In

Q. In what manner did Mr. Walker say this?

A. With some degree of warmth.

Q. A great deal of vehemence;

A. No; but with some degree of warmth certainly.

Q. Mr. Roberts said nothing more, in consequence of the warm manner that Mr. Walker used.

A. I have stated the words,—the whole was not the transaction of half a minute.

Q. You did not see the action with which Mr. Walker spoke this.

A. No.

Q. Was it with a gentle placid countenance?

A. I had my back to Mr. Walker when Mr. Roberts came up to him; I believe I turned my head on Mr. Roberts passing me, and on my hearing them speak; but if I did, I almost immediately turned it again, for I saw Mr. Roberts go to his seat. Mr. Walker was angry, and I conceived him from what he said, to be angry at Mr. Philips chiefly.—I said to Mr. Walker, how absurdly Roberts, or Mr. Roberts has behaved; he replied, "I don't mind Roberts at all, I am only angry with George Philips; he ought to have known me better; I am only angry at him."

Q. Did Mr. Roberts hear this?

A. I should think not; I think he was at his seat at that time.

Q. From your recollection of this expression, you must now be sure that Mr. Philips came up to Mr. Walker first.

A. No.—While the song of "Rule Britannia" was singing, I shook my head at Mr. Philips, to show my disapprobation of what he had done; and Mr. Walker shook his hand in this manner, (*describing it*) and his head at Mr. Philips; and that was just before Mr. Roberts came up, I think,

Q. Then

Q. Then it appears that Mr. Philips must have gone first.

A. Mr. Walker expressed his anger at Mr. Philips before Mr. Philips came up to him, and afterwards too, several times. He said he did not care at all what Roberts had done, it was only at George Philips that he was angry, who ought to have known him better.

Court. He expressed his displeasure at Mr. Philips before either of them came up.

A. Yes, he did, while "Rule Britannia" was singing.

Mr. Law. They were, and are, I believe, very intimate Friends still.

A. They are.

Mr. Christian. Then Mr. Walker, you say, was very angry before either of them came up; for you say he was angry with Mr. Philips at the time "Rule Britannia" was singing.

A. Yes.

Q. He shook his hand.

A. Yes—I don't mean threatening a blow by shaking his hand, but shewing his disapprobation at him.

Q. I believe "Billy Pitt the Tory" is a favourite song of Mr. Walker's.

A. I don't know that ever I heard it sung in his company.

Q. Pray how was Mr. Walker dressed at that meeting?

A. In Blue and Buff.

Q. Was the majority of the meeting in that dress?

A. There were many that were.

Q. Were you in Blue and Buff?

A. No, I was in mourning.

Mr. Law. Otherwise, I dare say, you would have been in Blue and Buff.

A. Most probably I should.

Mr.

Mr. *Law*. I fancy there was no party quarrel—How was Mr. Philips dressed ?

A. In Blue and Buff.

Mr. *Christian*. Has it become a party quarrel since ?

A. I believe it has been taken up so.

Q. I understand you have taken an active part in this matter.

A. No.

Q. You are a Friend of Mr. Walker's.

A. I am.

Q. And was acquainted with Mr. Roberts.

A. Yes.

Q. Have not you since declined all acquaintance with Mr. Roberts ?

A. I considered the latter part of Mr. Roberts's posting paper as putting me to my election, whether I would be acquainted with him or Mr. Walker, and I had no difficulty in preferring Mr. Walker.

James Starkey, Esq. High Sheriff for the county of Lancaster, (sworn.)

Examined by Mr. *Serjeant Cockell*.

Q. You was present at this meeting.

A. I was present at the Revolution dinner on the 5th. of November.

Q. Had you an opportunity of seeing Mr. Walker's conduct in the Chair on that day ?

A. I sat at a different table.

Mr. *Chambre*. You will confine your examination to what passed upon this day upon this subject ; we are not enquiring whether he is a good or a bad Chairman.

Mr.

Mr. Serjeant Cockell. Do you remember the song of "Billy Pitt the Tory" being called for?

A. I did not hear it, being at another table.

Q. Did you hear any thing that passed between Mr. Walker and Mr. Roberts?

A. I saw Mr. Roberts go to Mr. Walker. Mr. Hopwood was the Chairman of our table; I sat on his left hand; he spoke to me, and said, he apprehended there was a quarrel between the Chairman and Mr. Philips.

Q. You did not hear what passed between Mr. Walker and Mr. Roberts?

A. I did not.

Q. You saw no provocation proceed from Mr. Walker to Mr. Roberts?

A. Not the least in the world; my opinion was, that Mr. Walker's conduct in the Chair was right and proper,

James Starkey, Esq.

Cross examined by Mr. *Chambre.*

Q. You do not mean to swear that no provocation was given.

A. I stated before that I was at a different table; I saw no provocation, nor did I hear any.

Q. Did not you see Mr. Roberts pulling down one of these papers that was posted up? did not you see him soon after pulling that paper down himself?

A. I did not.

Q. Did you see him in the Coffee-room?

A. I did—Shall I tell you what Mr. Roberts said to me upon that business?

Q. I am

Q. I am asking you to a particular fact: I am asking you whether you saw Mr. Roberts pulling down a paper containing these words,—I suppose you have seen the Libel in question?

A. I have.

Q. Did you ever see him pull down any paper of that sort that had been posted up, either upon the 17th. of November, or any other day?

A. Never.—Mr. Roberts made a remark upon that paper in the Coffee-Room.

Mr. *Chambre*. I have asked every question I wish to ask the High Sheriff.

One of the Jury. I wish to know from Mr. Lloyd, what state the Company were in at the time the Song was called for—whether Mr. Roberts could be in liquor.

Mr. *Lloyd*. I was perfectly sober, and I did not see any person in the room drunk at that time: it was about an hour after dinner; no great number of toasts had gone round—probably there might by some of the Company be a good quantity of liquor drank before the cloth was removed.

Mr. *Jonathan Brundrett*, (sworn)

Examined by Mr. *Wood*.

Q. Did you at any time go to Mr. Roberts to get one of these posting papers as they are called?

A. I did.

Q. Did you get one?

A. I did.

Q. Who gave it you?

A. I took it from a table that was in the same room where Mr. Roberts was.

H

Q. Did

Q. Did he direct you to the table?

A. He gave me liberty to take one.

Q. Did you take only one, or more?

A. I was taking all that were there.

Q. How many do you suppose there were there?

A. I believe a dozen; Mr. Roberts made an objection, he said he had only a few—that I might take one or two.

Q. How many did you take?

A. I think I took half a dozen.

Q. Have you got one of them?

A. I have.

Q. Be so good as to produce it.

The Witness produced it.

Court. When was this?

A. I believe it was the day after the publication; as I did not make a memorandum of it, I am not certain.

Court. How long after the Revolution dinner was it?

A. I really cannot tell; I suppose it must be about twelve days after.

The Paper Read.

MR. THOMAS WALKER

Commenced his virulence against me

like a - - - - BULLY

Has conducted it like a - - - - FOOL

Has acted in it like a - - - - SCOUNDREL

Has ended it like a - - - - COWARD

At last has turned - - - - BLACKGUARD

And unworthy of association with, or notice of any Gentleman, who regards his own character.

WILLIAM ROBERTS.

Mr. Jonathan

Mr. Jonathan Brundrett.

Cross examined by Mr. Lambe.

Q. You say this was the day after the publication.

A. I believe it was.

Q. Do you mean the publication by Mr. Walker against Mr. Roberts, or that publication which has just now been read?

A. The day after that publication which has just been read.

Q. Which was published first, Mr. Walker's or Mr. Roberts's?

Mr. Law. What have we to do with any other publications? you will give any thing else you please in evidence.

Mr. Lambe. Was this publication or the last publication of Mr. Walker's published first?

Mr. Law. First ask him if he knows of the fact of any publication by Mr. Walker.

A. I saw the letters as they came out.

Mr. Lambe. Printed?

A. Yes.

Mr. Lambe. Great numbers?

A. I have.

Mr. Law. Do you know who published and printed them, of your own knowledge?

A. I know Harrop printed them.

Mr. Lambe. You have seen them with Mr. Walker's name?

A. I cannot say so: I have seen some of the letters printed at Harrop's shop.

H 2

Q. Mr.

Q. Mr. Walker, I believe, has shewn you some of them; has he not?

A. Mr. Walker has shewn me none; I shewed Mr. Walker the collection I had.

Q. Of both Mr. Roberts's and Mr. Walker's?

A. Yes, excepting one.

Q. Look at that paper, (*giving the Witness a paper*) did Mr. Walker shew you that?

A. No—he did not.

Q. Did he shew you the same paper?

A. I cannot remember that he shewed me any, excepting one like that which was produced.

Mr. Law. The posting paper?

A. Yes.

Mr. Lambe. Did you shew that to Mr. Walker?

A. I shewed a copy of that to Mr. Walker, on being applied to by him and Mr. Lloyd the Counsel.

Q. Was Mr. Walker with Mr. Lloyd?

A. He was.

Q. What did he say?

A. Mr. Walker asked me if I had not received a paper from Mr. Roberts—I understood the posting paper.—I paused, I said I would recollect.

Court. You tried to recollect?

A. I did recollect perfectly.

Mr. Lambe. What answer did you give?

A. When I appeared to be recollected, Mr. Lloyd spoke to me. He said, Mr. Brundrett, I have known you some time, a pretty considerable time, and a great opinion I believe he said that he had of me; and from what Mr. Milne had said to him, he had not the least doubt but that I should give all the information I knew.

Q. At

Q. At Mr. Lloyd's request I suppose you did give him what information you knew.

A. He left it to my option whether I would keep it or reveal it, just as I pleased.—I produced the paper—I gave it to Mr. Lloyd—I then marked it.

Q. When was this?

A. Last Monday.

Q. Last Monday only?

A. Yes.

Q. Who sent you to Mr. Roberts's lodgings?

A. Mr. Serjeant, Mr. Milne's partner, and Mr. Milne.

Q. I asked you who sent you to Mr. Roberts's lodgings.

A. I went because I could not get one at Harrop's.

Q. You had been first at Harrop's the Printer's, and not being able to get one there, you went to Mr. Roberts's lodgings.

A. I did.

Q. And Mr. Roberts told you you might take one or two.

A. He did.

Q. He desired you not to publish it.

A. Particularly so—that is not to post it up in the streets—he mentioned it, to the best of my recollection, three times—it was on that condition that I was at liberty to take them.

Q. You said you shewed this paper to Mr. Walker.

A. I shewed him one like that.

Q. Did Mr. Walker say it was his or not—what did you say to him?

A. I shewed him those were all I had collected.

Q. Of Mr. Walker's?

Q. Of both of them.

Court.

Court. What is that paper?

Mr. Lambe. A paper by Mr. Walker, immediately preceding the publication of this posting paper.

Mr. Lambe. Did he deny that?

A. He did not.

Q. It had his name to it?

A. Yes.

Q. Had it come out the same day as this posting paper?

A. I have not the least doubt but this came out soon afterwards.

Q. Do you mean before or after?

A. I should suppose it must come out before.

Q. Had you seen that paper before you had seen the posting paper that you got from Mr. Roberts?

A. I have not the least doubt of it, because I read the whole excepting one.

Court. What does he mean by the whole?

Mr. Lambe. By the whole you mean several letters that had passed between them.

Mr. Law. If the contents are not to appear, what have we to do with the dates?

Mr. Lambe. Have you got the papers?

A. I have the rest at home: Mr. Lloyd said if I brought this paper here that was enough: I did not understand that Mr. Lloyd meant I should keep them back, but that this was all that he apprehended was material.

Mr. Wood. You said Mr. Roberts told you you was not to post them up.

A. He was particular in that.

Q. Did he tell you what you were to do with them?

A. From what passed I understood him to mean, that I was not to deliver them indiscriminately.

Q. What

Q. What was you to do then ?

A. I was not restrained from giving them to any acquaintance.—I delivered one to Mr. Holt, Mr. Whitaker's Clerk.

Q. Did you deliver any to any body else ?

A. Yes ; I think I delivered one to Mr. John Milne.

Court. Did you mention the day of the month when you got it from Mr. Roberts ?

A. I believe it was the 17th. of November.

Mr. Wood. Did you deliver any to Mr. Kinnaston ?

A. I did.

Q. Did you deliver any to Mr. Lee ?

A. I believe I did.

Q. Did you to Mr. Milne ?

A. I am in doubt about that.

Mr. Thomas Kinnaston, (sworn)

Examined by Mr. Topping.

Q. Was you with the last witness when he went to Mr. Roberts's lodgings ?

A. I was.

Q. Did you see Mr. Brundrett, after he had been at Mr. Roberts's lodgings ?

A. I did.

Q. Did he return with any printed papers ?

A. He did.

Q. Of what kind were they ?

A. The same kind of the paper that has been before my Lord.

Q. Did you receive one from him ?

A. I did.

Q. Have you got that ?

A. I have not.

Q. Did

Q. Did you the day after this meet Mr. Roberts's servant any where?

A. I did.

Q. What is his name?

A. Nelson.

Q. Do you recollect the day you met him?

A. The day following the day I went with Mr. Brundrett.

Q. Where did you meet him?

A. At the upper end of Market-street-lane.

Q. That is one of the most public streets in Manchester, I believe.

A. It is a very public street.

Q. Did you receive any paper from Nelson?

A. I did.

Q. Have you it here?

A. I have. (*Produces it.*)

Q. Did you see more in the possession of Nelson the servant, than this one that he gave you?

A. I did not of the same kind—there were several papers that he had.

Mr. William Rawlinson, (sworn)

Examined by Mr. Law.

Q. Do you remember seeing Mr. Roberts a short time after the publication of the libel we have been talking of—the posting paper?

A. I did.

Q. Did he shew you one?

A. Yes, he did.

Q. Did he offer to give you one?

A. He did.

Q. Did you accept it, or refuse it?

A. I refused it.

Q. Did

Q. Did you see him put up one any where?

A. I was on horseback ; he shouted after me ; I stopped ; he came up to me, and said, There—I have him upon paper.—I had seen the paper before Mr. Roberts offered it me.

Q. You did not accept this of him.

A. I did not ; he took one and held it against a large pair of gates, belonging to a Carrier's warehouse—the gates were shut.

Q. Did he say any thing, and what did he say?

A. Yes.—“I will put it up here, and expose the Scoundrel.”

Mr. *Chambre*. Did you see what it was he held up in his hand?

A. I did.

Mr. *Law*. Was it one of these posting papers?

A. It was.

Q. Was it a public street?

A. It was Market-street-lane, the street that leads up to London.

Q. Of course one of the most public streets in Manchester.

A. Yes.

Mr. *Parke*. When was this?

A. I think it was the day after the first publication of that paper.

Mr. *Daniel Whittaker*, (sworn)

Examined by Mr. *Serjeant Cockell*.

Q. Do you remember being upon a visit at Mrs. Howarth's, in Manchester, on the 16th. of November last?

A. I do.

I

Q. Who

Q. Who were of the Company?

A. Several Ladies and Gentlemen.

Q. Was Mr. Roberts of the party?

A. Mr. Roberts came into the Company whilst I was there.

Q. Did he address himself to you upon any subject?

A. He did.

Q. Be so good as to state what Mr. Roberts said and did.

A. I was playing at Cards at a round game; Mr. Roberts came and sat down by me; he began the conversation by saying, "I think I have finished him," or "I have done the fellow completely"—something of that kind—he took the papers or paper out of his pocket, shewed it to us, and said, "Read this."

Q. What paper was it?

A. The posting paper.

Q. Did he read it over?

A. He asked me to read it; I just looked at it, and disliking the contents extremely, I endeavoured to evade it, by telling him that I thought it was not a proper place before the Ladies to talk upon a subject of that sort.—He said, I will read it to you—he read it.

Q. Was it read audibly?

A. It was not related to me as a private matter.

Q. But read so that those of the company might hear.

A. Those to the right and left might hear it: I never took it in my hand: I did not look upon it that Mr. Roberts was reading it to me as a private matter: I told him I was very sorry for it, and proceeded with my game.

Mr. Daniel

Mr. *Daniel Whittaker.*

Cross examined by Mr. *Christian.*

Q. You were well acquainted with the quarrel before.

A. Certainly.

Q. Had you seen all the papers before this?

A. I had seen, I believe, the whole of the papers.

Q. Then Mr. Roberts observed that he had at last finished him?

A. Something of that kind.

Q. You understood by that, that this was the last paper that had been published on either side.

A. I thought Mr. Roberts could not go further.

Q. Look at that paper (shewing the Witness a paper of Mr. Walker's, dated November 15th. 1790)—have you seen that before?

A. I have.

Q. Whose shot was that?

A. Upon my soul I don't know.

Q. Had you seen such a paper as that before you saw that posting paper?

A. I had seen it.

Mr. *Law.* But you don't know who published it?

A. I do not.

Mr. *Christian.* You have seen that paper?

A. Repeatedly.

Q. Had you seen such a paper as that in company with Mr. Walker?

A. I am sure I was not in private company with Mr. Walker about that period.

Q. Did Mr. Roberts make no other observations in the company at that time — did not he say that he was very sorry Mr. Walker had driven him to such extremities?

A. I don't recollect that he did — it seemed during the remainder of the evening to be uppermost in Mr. Roberts's mind, and I avoided as much as possible entering into any conversation upon the subject; at supper I particularly placed myself on the opposite side of the table; I was much hurt for both parties.

Q. Did not Mr. Roberts seem much hurt, and shew much anxiety and agitation?

A. He shewed much agitation; but whether that was from contrition or resentment against Mr. Walker I cannot say.

Mr. John Kay, (sworn)

Examined by Mr. Wood.

Q. Did you ever see one of these posting papers put up any where?

A. I did.

Q. Where was it put up?

A. It was pasted up against the wall, or rather wafered up against the wall of John Shaw's punch-house, in Manchester.

Q. Is that a place of public resort?

A. Very public.

Q. Do you recollect when you saw it?

A. It was, I believe, the morning after the publication.—The publication came out in the evening, I have since heard — the next morning I went to the Fish-market. John Shaw, who keeps the house, came up to me, and said, There is a paper for you.—Several Gentlemen were at the Fish-stones; he handed it round; I asked him

him if he would give it me; he said, I cannot; but there is one wafered up at my door. I walked down there and took it down; the wafers were then wet.

Q. Is Mr. Shaw's punch-house a place frequented by the Merchants of Manchester?

A. No public house in the Town so much.

Court. What day was that?

A. The morning after the publication—it was published the night before.

Mr. John Kay.

Cross examined by Mr. Chambre.

Q. You saw none up after that morning.

A. I believe there was as much hunting after them as there would have been after a hare, if she had run through Manchester.

Q. With all your hunt you was only successful enough to find that one hare—You got her off her seat, and secured her.

A. I looked for no more.

Mr. Law. Mr. Lloyd—you understand Mr. Thomas Walker here mentioned to mean Mr. Walker the Plaintiff.

Mr. Lloyd. Undoubtedly.

Mr. Law. And Mr. William Roberts to mean the Defendant.

Mr. Lloyd. Yes.

Mr. Chambre. You spoke of a meeting at the Infirmary.

Mr. Lloyd. I did.

Mr. Chambre. That was the September meeting.

Mr. Lloyd. It was.

Mr. Law.

Mr. Law. I will not call Gentlemen in the mercantile line to say what damage this Libel is likely to produce.

Mr. Chambre. There is none laid.

Mr. Law. I can call evidence to say what is the general mischief likely to result from a paper of this kind; but I don't think it would carry it further than the Jury must necessarily understand, as to what would be the probable effect of such Slander upon a person in the situation of Mr. Walker.

Mr. Chambre. That I deny—and you think so, or you would produce the Evidence.

End of the Evidence for the Plaintiff.

MR. CHAMBRE,

MR. CHAMBRE, *for the* DEFENDANT.

MAY IT PLEASE YOUR LORDSHIP—
GENTLEMEN OF THE JURY—

AS Counsel for Mr. Roberts I do not mean to contend before you, that the Paper which has been read to you on the part of the Plaintiff, is not in its nature what the Law denominates a Libel—neither shall I contend (as the publication of that paper has by the evidence been fixed upon Mr. Roberts) that this action will not lie—if I were so to contend, I am sure I should be corrected by my Lord, and I should gain no credit at your hands for any further observations that I might make in the course of the Cause.

But, Gentlemen, this action is brought to recover damages; and the great point for your consideration is, what damages you will give upon this occasion.

Gentlemen, I shall contend upon the evidence that I have to lay before you, and that evidence I trust will entitle me fairly and with success to contend, that the damages which the Plaintiff ought to recover should be only *nominal* damages—that they ought not to consist of more than what must be the necessary consequence of your finding a verdict for the Plaintiff.

The ground upon which I shall so contend is this—that whatever may be the nature of the libel that has been published, Mr. Walker, the Plaintiff, does not come before you under such circumstances, with respect to his own conduct, as entitle him to receive damages at
the

the hands of Mr. Roberts. — I shall contend that by his own acts, he himself has been the occasion of that very publication of which he now complains.

Gentlemen, In cases circumstanced like the present, where there is no actual injury done; where there is no pecuniary damage sustained; where no crime is imputed to the Plaintiff, which could subject him to an Indictment; where there is no reflection upon him in the course of his trade or dealings, from which he must necessarily suffer, or from which he has actually sustained special damage — it has not been usual for Gentlemen of Mr. Walker's rank and situation in life, to seek redress in this form by an Action — the usual mode of proceeding in such cases is to apply to the Supreme Court of Criminal Judicature in this Kingdom, to interpose by way of Information, to punish the offence as a crime against the public peace, and to punish it before the highest Tribunal, in the most solemn form of proceeding.

That is the usual course that is taken by persons of the rank of Gentlemen — That course would have been pursued, if Mr. Walker could have intitled himself to pursue it; but there is one thing required upon such occasions, which requisition it was not in the power of Mr. Walker to comply with. — When any man appeals to the authority of the Court of King's Bench, and applies to them for the exercise of their extraordinary jurisdiction in granting an Information, it is necessary that he should appear before them with clean hands — it is necessary that he should by affidavit exculpate himself from having been the cause of, or having given the provocation that has been the incitement to the act that he complains of — and if he cannot do that, the Court will not listen to his complaint — they will say, Let the
ordinary

ordinary course of Law prevail—you may indict—it is a breach of the peace—but you personally deserve no favor or attention at our hands; we will not assist you; let the breach of public peace be punished as it may without our special interposition.

My learned Friend was aware of this in his opening, and he has attempted to apologize by telling you, that Mr. Walker has chosen this method of prosecuting Mr. Roberts, because he meant to give Mr. Roberts an opportunity of justifying the slander.—I say the reason is fallacious—I say that if every assertion in this libel had been true, he could not have justified it—for these charges are not of a justifiable nature.

If I charge a man with the commission of a crime; if I reflect upon him in the way of his trade and dealings; if I do that to him by a publication of this sort which occasions any special damage, and he brings an action, it is competent to me in defence of that action to say, though the publication is libellous and a breach of the peace, the fact is true, and no action will lie for damages. But for words of mere general abuse—as, if I call a man a fool in a publication—why, to justify, to say that in truth he was a fool, could not be done; the Law would not permit it; and I join issue with my Friend upon that point.—If nature has made a man a fool, and his conduct is therefore foolish, I have no right to insult him for that infirmity.—So if I called a man a Coward, I could not justify that he was a Coward, and therefore the reason assigned, is not the reason why Mr. Walker chose to prefer an action to an information.—The true reason is, Mr. Walker could not have entitled himself to that interference, which the Court of King's Bench, may, or may not, use at their discretion—Your power is

also discretionary, the damages upon such an occasion as this, are wholly in the discretion of a Jury; and the same circumstances which would induce a Court of Criminal Jurisdiction to refuse the exercise of their discretion, in favor of a Gentleman circumstanced as Mr. Walker is, would induce a Jury to refuse, in the exercise of their discretion, to gratify that man with any considerable extent of damages.

Gentlemen, It is somewhat remarkable, that my learned Friend has thought fit to suppress a great part of the transaction that has happened between these parties—nay he has done more than suppress it, for he has not only left an interval of twelve or fourteen days totally unaccounted for, instead of laying before you the correspondence that was carried on between the parties during that period of time, and shewing the provocations that during that period Mr. Roberts received; but he has also been instructed to say, that during that period all this malice was brooding in Mr. Roberts's mind—not merely for the ill usage he supposed himself to have received at the Revolution Meeting, but rather that it was the continuation of some prior, antecedent malice—and then all at once, without any further circumstance to excite him, he came out with the publication of this posting paper, as it is called.

My friend knew as well as I know what had passed in the interim—he has indeed challenged me on the part of the Defendant, to lay before you an account of what passed during that interval. At the time he challenged me to do it, he threatened me by saying, that it should all recoil upon the head of my unfortunate Client.—I know the force of his abilities; I know the keenness of his remarks; I know what will be the consequence of my producing evidence, and subjecting my Client, Mr.
 Roberts,

Roberts, to the animadversions that he may make—but I know this, that I am addressing a Jury who will consider this matter temperately—They will attend to, and perhaps at the time may be moved by, my Friend's declamation; but when the storm is over a calm will come—You will hear the whole of the evidence summed up distinctly by my Lord; upon that evidence you will exercise your cool judgment and discretion; you will lay out of your consideration every thing that is invective and inflammatory in the Reply; and I am sure, in the result, you will give against Mr. Roberts no more damages than you think Mr. Walker is entitled to receive at his hands, taking into your consideration the whole of Mr. Walker's own conduct.

I do not contend that my Client Mr. Roberts, has not acted and written imprudently—beyond all question he has—I don't deny it—but I hope I shall satisfy you of this, that the publication which is the subject of the present action, is the result of insult that he has received from Mr. Walker; that he has been gradually wrought up—and I think artfully too, wrought up to that pitch of Resentment by Mr. Walker, and that at last he was impelled to venture upon the publication, which is called the posting paper, by an act, I will not say of equal violence; I will not say equally libellous, I think it was much more so, than the very paper that is now complained of.

Quarrels generally arise from very trifling causes; this quarrel was trivial, undoubtedly, in its out-set; but when the passions are once excited, it is seldom that in the subsequent proceedings, parties conduct themselves with that temperance and that moderation that they ought to do; and it must appear to you, that temperance and moderation have been forgot by both the parties

in this dispute—but this I am satisfied of, (and exercising my own judgment upon what I have heard) I think you will be of opinion, that there is more deliberate malice, and grosser insult in the course of this correspondence, committed against Mr. Roberts, than any that Mr. Walker* has reason to complain of, as having received at the hands of Mr. Roberts.

I would only remark upon the manner of publication as proved, that there does not appear to be any thing peculiarly reprehensible in that.—All possible pains have been taken to prove the extent of the publication, and to shew to what degree Mr. Roberts has acted in it. They have not been able to prove a single act done by Mr. Roberts, though they have produced his Friends and Intimates, those with whom he has conversed in friendship and confidence, as well as strangers—Though they have produced persons of various descriptions in order to establish the publication, they have not been able to fix on Mr. Roberts, any one act of exposing the Paper to the public, but what relates to the single copy which they have produced in Evidence.

Mr. Brundrett told you, that on the day following, when Mr. Roberts gave him two or three of the papers, he had so far cooled, and was so far sensible of the impropriety of making such papers public, that he parted with them upon the express condition that Mr. Brundrett should not put them up, and that he should not make them public; and therefore there is no continuing malice; there is no continuing resentment evidenced in the publication; on the contrary, so early as the morning after the publication, Mr. Roberts seems sensible he had done that which was not justifiable; he was not proceeding to push his resentment any further—he was desirous that what had been done should stop there.

I have

I have mentioned the attempt to fix upon Mr. Roberts the imputation of deliberate malice—You were told by my learned Friend, that this was an insult deliberately committed; that it proceeded from the basest motives; from motives that were selfish and mercenary; and that Mr. Roberts wished, by ruining the character and the reputation of Mr. Walker, to establish his own fame and his own fortune.—To this purpose he pledged himself to call evidence; but how miserably has he fallen off from his opening, in the evidence that he has called, applicable to that part of his case? The two persons he has called are Mr. James Hilton, an Attorney, and Mr. Milne.

Now, Gentlemen, Mr. Hilton, so far from establishing that fact, seems to me to have proved the direct contrary; he has proved no declarations of malice; the only conversation that passed between Mr. Hilton and Mr. Roberts previous to the quarrel, was a conversation which took place on the first of November; the quarrel at the Revolution dinner happened on the fifth of November following.

Now what is it that Mr. Hilton has told you with respect to that conversation?—Mr. Hilton has told you that Mr. Roberts had come from a Gentleman's house where he had been dining; that he was flushed with liquor; that he had been rallied at the place where he had been dining, upon the dispute that had arisen at an Infirmary meeting, between the Plaintiff, Mr. Walker, and him, and at which meeting he complained Mr. Walker had used him ill.—They have indeed called witnesses to prove Mr. Walker did not use him ill at that meeting, but the witnesses they called speak to a different meeting, namely, the meeting in September, whereas the meeting
at

at which Mr. Roberts supposes himself to have been used ill, was the preceeding meeting at Midsummer.*

On our part, we cannot be prepared with evidence to shew what did pass at the meeting, because this record has no reference to that transaction, and it was impossible for us to conjecture that any thing that happened there, would be produced in evidence upon this occasion—but this appears from the very conversation they have proved, that Mr. Roberts had reason (or at least thought he had reason) to suppose himself to have been insulted at that Midsummer meeting.

He had recently been rallied upon the subject of those disputes, at Messrs. Heywood's, and when he comes back from dining there, he speaks of Mr. Walker as a person of an overbearing disposition; he speaks of a dispute Mr. Walker had had with Mr. Kearsley; and he says his own courage is as great as Mr. Walker's, and that he would as soon challenge, quarrel, or fight with him, as with any other man. There is not a word of any malicious design against Mr. Walker—nothing more than the boasting observations of a person in liquor, upon this supposed ill treatment he had received, and upon the supposed quarrelsome conduct of Mr. Walker—but there is nothing expressing an intention of promoting any private view of his own, or of exposing the character of Mr. Walker, or any other circumstance, which could indicate an intent to affront or libel Mr. Walker—nothing more than that if he should be ill used by Mr. Walker, he would as readily oppose him as any other person whatever.

The

* Mr. Walker was *not* at the Infirmary at the *Midsummer* meeting; see Mr. Hilton's evidence in Mr. Law's reply; the fact is, Mr. Walker was in London the day upon which that meeting was held. The witnesses called, on the part of Mr. Walker, most certainly do speak to the meeting upon the 23d of September, 1790, which was the *only* time that Mr. Walker ever met the Defendant at the Infirmary.

The same witness is likewise examined to a subsequent conversation, and that subsequent conversation took place the day after the quarrel took place, in the afternoon of the sixth of November—Mr. Hilton (who I think does not come forward with a very good grace, to disclose what passed upon that occasion) speaks to some expressions which my learned Friend would rely upon as evidence to shew, that Mr. Roberts had at that time a determined purpose to challenge Mr. Walker.

The time when this happened is extremely material. Mr. Roberts at that time could not have the original purpose to challenge Mr. Walker. I will prove, that at the very time when this conversation is supposed to have taken place, instead of being the challenger of Mr. Walker, he had received a challenge from Mr. Walker; and I will prove that under Mr. Walker's own hand writing.

Then what do you say to Mr. Hilton's representation of this matter?—he must have misunderstood it—He tells you there were two or three letters produced by Mr. Roberts—and I will shew you, that at that very time Mr. Roberts had received a challenge from Mr. Walker himself. But this very same Mr. Hilton (who has been disclosing private conversation which he ought not to have disclosed) tells you, that so far from having these premeditated designs of affronting and challenging Mr. Walker, Mr. Roberts at a subsequent period told him, he had not the smallest objection to shaking hands, and making up all difference with Mr. Walker; and that he would as soon shake hands with him as with any man residing in Manchester.

As to the supposed mercenary motive, what becomes of that charge? It is insinuated, that by quarrelling with Mr. Walker, Mr. Roberts thought he should ingratiate

ingratiate himself with Mr. Pitt.—Do any of you entertain such an opinion of Mr. Pitt? I don't know that Mr. Walker is of so much consequence to Mr. Pitt, as to make it an object to him whether any body quarrelled with him or not.—Is it possible to conceive that any such motive could induce Mr. Roberts to post him? If any thing did pass upon the occasion with respect to the name of Mr. Pitt, the meaning seems obvious.—Mr. Hilton won't go the length of saying that Mr. Roberts expressed the slightest hope of advantage from Mr. Pitt; but in the course of the idle conversation they had, he happened to say, Mr. Pitt might hear of this.—Why the letters were published, they are both fond of writing—neither of them are unaccustomed to make appeals to the public, I believe Mr. Walker not less so than Mr. Roberts—It might come to the ears of Mr. Pitt, that a foolish dispute had arisen at the Revolution Society, at Manchester, concerning an idle song about Mr. Pitt.—The subject of the quarrel as relating to that song, might possibly come to the ears of Mr. Pitt, and that is the only possible circumstance to which this conversation could relate—therefore, you will dismiss from your consideration of the merits of this Cause, every thing that has been suggested to you, attempting to fix upon Mr. Roberts any sordid, mercenary motives, or any design to quarrel with Mr. Walker, unless Mr. Walker thought fit to insult, abuse, or ill treat him.

Gentlemen, It may be proper to state to you what are the different situations of the two contending parties.

Mr. Walker is a man of very large and very extensive commercial dealings; no man in the county I believe more so—he is a man of great wealth and opulence, and of great power and influence, arising from that wealth and opulence, and from the extent of his dealings in commerce.

Mr.

Mr. Roberts is not upon a par with Mr. Walker, in point of situation—Mr. Roberts, I believe, is by birth an American—the property which Mr. Roberts and his family possessed in America, they have unfortunately lost by their loyalty and their attachment to this country. Mr. Roberts was obliged to leave his own country and property upon that account, and came here with a bare sufficiency to enable him to go through the course of a liberal education, and to commence the practice of a liberal profession at Manchester—there he has resided for two or three years, and there he has in his professional capacity, I may venture to say, conducted himself with honour and with propriety, and gained the esteem of a very large portion of the inhabitants of that place.—Mr. Roberts has likewise had the honour to be employed in some offices there which certainly are very respectable—But in point of fortune, Mr. Roberts is no match at all for Mr. Walker—in point of influence he is no match for Mr. Walker—the frowns, the opposition of a man in Mr. Walker's situation, might ruin and destroy Mr. Roberts there—but the enmity of Mr. Roberts to Mr. Walker, must be inconsiderable in its effect.

They have made some attempt to prove to you the wealth of Mr. Roberts.—The effect of that attempt has been only to shew, that while he has resided at Manchester, he has been enabled, out of the savings of his profession, to lodge about One Hundred and Fifty Pounds, in the hands of his Bankers, Messrs. Heywoods; that is the account they have given you of the circumstances of Mr. Roberts. Mr. Roberts however is by birth, by education, by habits and by connection, a Gentleman, and he is entitled to the usage due to a Gentleman, and to be treated as such upon all occasions.

L

This

This Dinner given in honour of the Revolution, was held on the fifth of November at Manchester, and surely if any occasion could possibly exist on which it was fit, that the most perfect harmony and the most perfect unity should subsist among those that were assembled, that was the occasion.—What have the little party-differences of the present day to do with the great event which the Gentlemen present were met to commemorate? I think you will not be of opinion that Mr. Roberts was guilty of any great impropriety in expressing his disapprobation, when Mr. Walker called for a party song—for such it certainly was—merely applicable to the party and politics of the day. Many Gentlemen might be present (on which side the majority was I don't know, and don't care) who would dislike to have a song sung either in favour of one party or the other, or that would disgust either the one party or the other; and therefore instead of promoting that harmony which ought to have prevailed, it could have no other tendency than to promote discord there.

But what is it that Mr. Roberts does when this song is called for by the Chairman? You are told it was not by the Chairman's choice that this song was called for, and it is proved that a Gentleman there (Mr. Wood) went to him, and desired the song might be sung—but it was not publicly called for.—Mr. Wood went up and whispered the Chairman; and Mr. Roberts had no reason to suppose that this song had been called for, otherwise than by the voluntary choice of the Chairman himself.

But supposing that to have been otherwise—what does Mr. Roberts do upon the occasion? He simply objects to the song, as a party song.—There is no attempt to prove that he uttered one disrespectful word to Mr. Walker,

Walker, the Chairman.—So far from doing it with impropriety, he is seconded in his objection by another Gentleman, of the name of Philips, who is described by the witnesses as the particular friend of Mr. Walker; and therefore the idea of Mr. Walker's conceiving any offence, at the manner in which the objection was made by Mr. Roberts, is perfectly ridiculous.

But yet, notwithstanding the great delicacy with which my Friend has contended that Mr. Walker conducted himself upon the occasion as Chairman—that strict impartiality—that disregard to faction and the party of the day—you find that he was angry—that he was full of resentment before Mr. Roberts had gone up to speak to him—You find that he was angry, even with his bosom friend Mr. Philips—that his temper was irritated, and he considered the objection to his party song as an affront to himself. That was not quite agreeable to the delicacy which my Friend has given him credit for—that was not conduct as a Chairman perfectly impartial—at the same time it is heartily to be wished, that the dispute had gone no further than the expressions of discontent which Mr. Walker then used.

Mr. Roberts, at some distance of time, went up to the further end of the room and spoke to Mr. Walker—he addressed him by the style and title of Boroughreeve—Is that a term of reproach and affront? What but resentment for some other cause induced Mr. Walker to reply as he did upon being so addressed, and not addressed for any purpose of quarrelling? for it will appear in the course of the correspondence that I have to lay before you by-and-by, that Mr. Roberts meant to be upon good terms with him—He went up to him to appease his anger, having observed him to be a little angry—but he is addressed by the term Boroughreeve:

he turns round to Mr. Roberts, in anger, as his friend admits—"Sir, I am no Boroughreeve here."

Mr. Lloyd has not been very particular in describing his looks and his gestures upon that occasion; but I will call other witnesses who did observe his looks, his manner, and gestures; and it is not only in words that a provocation may be given—a man may be insulted as much and as grossly by the manner, as he can by the matter—looks and gestures may convey as gross an affront even as language itself, and it may be true that the manner in which Mr. Walker uttered these words—"Sir, I am no Boroughreeve here"—might be sufficient to provoke Mr. Roberts to make use of those expressions of which Mr. Lloyd has given you an account. Mr. Lloyd has sworn that he did make use of these expressions; and I must believe he did, for very far indeed am I from imputing to Mr. Lloyd (whatever his friendship may be for Mr. Walker) the design of saying any thing that is not most strictly true.

If Mr. Roberts's intention had been to insult him further in a public manner, he would have made it more public; he would have declared it; he would have challenged Mr. Walker, or called him by opprobrious names, in the hearing and in the presence of that Company—but he does not do so; not one word more does he say, than those words which were heard by Mr. Lloyd, who sat next to the Boroughreeve, and by Mr. Lloyd only, for not one other person appears to have heard those words.

Mr. Roberts went away—when he got home, disgusted as he was at the manner in which he had been treated by Mr. Walker, he wrote a Letter to him, which Letter I am free to confess he had better not have written; it would certainly have been more prudent and more discreet

to have let the matter end where it was.—In that Letter Mr. Roberts relates to Mr. Walker what had happened at the meeting—talks of his vociferating for the song of “Billy Pitt the Tory”—speaks of the propriety there would have been in conducting every thing at the meeting with harmony and unanimity, and the impropriety of party songs—He tells him of his anger, his haughtiness and his arrogance—and he repeats to him the expression that he, Mr. Walker, had used towards Mr. Roberts.—The conclusion that Mr. Roberts draws, is, *that as a Chairman Mr. Walker had acted with folly; and as a Gentleman he, Mr. Roberts, had received from him unprovoked IMPERTINENCE.*—This is the utmost extent of the Reproaches contained in that Letter—They are angry words, and no more, and they are words which I wish had been spared; it was a Letter which had better not have been sent, but it was sent immediately upon the provocation—it was sent the moment Mr. Roberts got home—But there is not a word in that Letter importing that he had any intention to challenge Mr. Walker—and in the very next Letter he writes, you will find he disclaims any such intention.

But what is the conduct of Mr. Walker upon this occasion? I have confessed Mr. Roberts would have done better, if he had not written this Letter; but Mr. Walker, having spoken angrily to Mr. Roberts, and receiving this angry Letter in consequence of it—I think he would have done well to have disregarded it; and if Mr. Roberts really had the hostile intentions imputed to him, to have left it to Mr. Roberts to have proceeded further in the business; which Mr. Roberts certainly never intended to have done.

Mr. Walker, however, does take notice of the Letter, and takes notice of it too in a way that I think should have

have precluded him from ever bringing an Action.—As to the abuse, he retorts it with interest, for he accuses Mr. Roberts of absurdity, of folly, and of falsehood—but that is not all; he challenges him—and I defy my Friend, by any comment upon this paper, to put any other construction upon it than that of a direct challenge.—I will read to you the Letter.

“ Sir,

“ Your Letter of yesterday I received too late to answer last night. My conduct as Chairman was *strictly proper*—if you are dissatisfied with it, I will immediately *justify it*, in whatever manner *you please*; and considering the difference between your situation and mine, it would, I conceive, be highly improper in me to take any other notice of the absurdity of your conduct, or of the folly and falsehood of your Letter, unless *called upon by you*.”

What Mr. Walker means by the difference of situation, I really don't know.—Whether it was the high character of Boroughreeve, or whether it was the situation of Mr. Walker as a married man, and as having a family, that made the difference, I don't know—that he does not condescend to explain, but that any of those circumstances should make it a matter of material difference which of them was to be the challenger, I don't at all understand. However, this is the plain and manifest meaning of this letter—that Mr. Walker meant to signify to Mr. Roberts, that he was willing to decide the difference between them in the way of duel; and whether Mr. Roberts was to come forth and formally call upon Mr. Walker for that purpose, or whether Mr. Walker, in consequence of the letter he had received, was to be the formal challenger, seems not to make one jot of difference.

I defy

I defy any person reading this letter, to put any other construction upon it than that it was a challenge to fight; and Mr. Walker has put that construction upon it himself.—It will appear in the subsequent part of the correspondence, that he considered the letter as being of that import—that he wished it to be so considered by Mr. Roberts; and that he conceived he had so explained it, fully and sufficiently to the understanding of Mr. Roberts.

Even after this challenge was received from Mr. Walker, Mr. Roberts does not show that malignant purpose that is imputed to him.—Mr. Roberts writes another letter to Mr. Walker, and he begins that letter by saying —“I was perfectly satisfied with the reparation I gave myself, when I informed you of my opinion of your conduct as a Chairman, and of your improper and ungentleman like warmth towards me as an individual: “I did not feel sufficient provocation to justify a violation of laws, which you seem to despise.”—Then he goes through the particulars of what had passed, and speaks of Mr. Walker's design to make him, Mr. Roberts, the aggressor.

Therefore you see in this letter, Mr. Roberts expressly disclaims any intention of meaning to challenge Mr. Walker, or to provoke him to fight—and he says that he had given to himself all the reparation he wanted, when he wrote that first letter to Mr. Walker, which consists of *nothing more than the charge of FOLLY and IMPERTINENCE.* Mr. Roberts, at that time believing himself to be treated with impertinence and impropriety by Mr. Walker, at the conclusion of the letter, though he shews he understood Mr. Walker's letter as a challenge—he there expresses himself in language which plainly imports, that it was Mr. Roberts's view to have
this

this dispute accommodated between them, as rational, and not as irrational beings, by talking over the cause of the dispute—discovering who was to blame, and having the matter settled—at the same time having those sentiments which, though not warranted by law, prevail in almost every honourable mind; and it is impossible to eradicate them from the mind of any man, who bears the character, and holds the situation of a Gentleman.—He could not but take notice of Mr. Walker's intention to fight him, and he gives Mr. Walker his option.

I will read those words at the conclusion of that Letter, and they are the strongest to be found in that Letter—
 “ You at the Revolution dinner did and said that with
 “ which I was dissatisfied; but not in such a degree as to
 “ justify an appeal to the decision which rose in your
 “ mind, and to which you desire to throw on me both
 “ the odium and the guilt of resorting.”—Is this like
 seeking an occasion of fighting? Is this seeking an opportunity of challenging Mr. Walker to a duel? It is just the reverse.—“ If my letter charged you falsely, as you
 “ say it did, it was your business to disprove it, and
 “ defend yourself, like a rational being, or like an irrational one; in either way, therefore, I am ready to
 “ meet you—the choice lies with yourself”—Mr. Roberts still declining to challenge, and to call Mr. Walker to an account, though he had received in direct terms a challenge from Mr. Walker.

Gentlemen, This Letter procured another from Mr. Walker; and really that Letter is expressed in terms so ambiguous, that upon the face of the Letter itself, if it had not been explained by a subsequent Letter of Mr. Walker's, I should hardly have known what he meant. The Letter is this—

“ Sir,

SIR,

"I find that you neither know me nor my principles.
 "Had you written to me like a rational being, as such
 "I had answered you; *and had I either injured you, or*
 "*meant to have injured you, I would have called upon you*
 "*before this*—but having done neither, and conceiving
 "myself to have been extremely ill treated by you, I
 "certainly cannot call upon you—But as I have given
 "you one option, I will give you another—to call upon
 "me—when I have no doubt I shall convince you, ~~and~~
 "not only how much you have been mistaken, but how
 "much injustice you have done me."

Now, consistently with the tenor of these expressions, Mr. Walker might mean that he would convince him by fair argument that injustice had been done him—but you will see Mr. Walker disclaims that meaning in his subsequent Letters, and he plainly avows that he meant to challenge Mr. Roberts, and to provoke him to a duel.—Mr. Roberts, however, considered this Letter in a pacific sense, and he writes him an answer which is dated Saturday night—I believe that was the sixth of November. All this arose on the sixth of November. The first Letter (the challenge) is dated on the morning of Saturday, and therefore you see it is anterior to the conversation Mr. Hilton spoke of.

In this Letter Mr. Roberts, not chusing to suppose that Mr. Walker had meant by his last Letter to fight him—considers the appointment which Mr. Walker had made by his Letter as an amicable appointment—He says he has no objection to meet him—he desires him to appoint a time and place of meeting—he says,
 "Whenever you think proper, and wherever, except
 "at your own house—Two or three Gentlemen I wish

M

" to

"to be present, and these I leave to your own selection."—Then you see, in this Letter, Mr. Roberts himself proposes a fair and a rational discussion of the controversy between them, and that that discussion too should be in the presence of two or three Gentlemen of Mr. Walker's own selection.—He says in the Letter, That he shall never be convinced that Mr. Walker did not mean to use him ill; but he does not trust to his own judgment—he is willing to submit it to two or three Gentlemen of Mr. Walker's own selection—and he concludes his Letter in this way—"I will conclude in the language of one of your toasts, with a slight alteration"—"May every Briton be as averse to invading the opinions of others, as zealous in maintaining his own."

Now, Gentlemen, is there any thing like hostility in that? and can any possible reason be suggested why, after the writing of that Letter, the whole of this dispute should not have been determined in a proper and a reasonable way, by the interposition of Friends? But this was not what Mr. Walker meant—Instead of returning an answer that he accepted of Mr. Roberts's proposition, he returns this laconic answer.

SIR,

"You are so very dull of comprehension, or so very fond of misinterpretation, (or perhaps both) that I shall give myself no more trouble about you."

"Dull of comprehension!" What was it that he had misapprehended?—In the last Letter he had written, he apprehended that Mr. Walker's proposals were pacific—Mr. Walker says Mr. Roberts is dull—he did not mean that. When Mr. Walker desires him to call upon him, he means that he should call upon him for hostile purposes—When

Mr.

Mr. Walker, in that prior Letter, says that he should convince him—he meant that he would teach him a lesson by sword or by pistol—that is the meaning, and the avowed meaning of this last Letter that I have been stating to you.—“ You are so very dull of comprehension, “ or so very fond of misinterpretation (or perhaps both) “ that I shall give myself no more trouble about you.”

Why, Gentlemen, day-light could not be clearer, after this letter, than Mr. Walker's intentions.—It was in vain for Mr. Roberts then to say, that he did not understand Mr. Walker—he must necessarily understand Mr. Walker to have sent him a challenge, and this occasions another letter to be sent to Mr. Walker—in which Mr. Roberts informs him — that *if he would engage to take no legal advantage over him* (understanding Mr. Walker to have *before challenged him*) he would send him a message. This letter was carried to Mr. Walker—Mr. Walker returned it contemptuously, unopened—it was carried again—the subject of it was explained to Mr. Walker, and Mr. Walker's answer was, That his first Letter to Mr. Roberts was an answer to that last. — What is that first Letter?—It is the very Letter in which Mr. Walker challenges Mr. Roberts—to that he refers—to that he appeals; and that is the only answer that he condescends to give to Mr. Roberts, to the message which Mr. Roberts had thus sent to him.—I believe Mr. Walker accompanied this by an assurance, that he would not take any legal advantage of Mr. Roberts—and the almost necessary consequence of this was, that a message was sent by Mr. Roberts to him. Mr. Walker was waited upon on the part of Mr. Roberts, I think by a Gentleman of the name of Swann, an officer, I believe; and Mr. Walker, by the hands of Mr. Richardson, a friend of his, delivers an answer in writing.—I should indeed have

stated, that before that message was sent, both the parties had published the previous correspondence. — Mr. Roberts, foolishly enough, had printed those letters which had passed between them, with a preface — Mr. Walker followed his example, and both had appealed to the public. The letters were published on both sides — a written answer to Mr. Roberts's message was delivered by Mr. Richardson, by the directions of Mr. Walker, to Mr. Swann. — Gentlemen, that paper that was so delivered, has, by some accident, been lost; but however, the loss of it will not be material, because Mr. Walker was not content with the delivery of the copy, but on the 15th. of November, one day before the date of Mr. Roberts's publication, which is the subject of this Action, Mr. Walker publishes his answer, along with some other Letters, and some other papers, subscribed by his Friend Mr. Philips and other Gentlemen — He published this answer, along with the other papers, in a hand bill, which, though dated the 15th. was not in truth published, till immediately preceding the publication of Mr. Roberts's posting paper — and I will read to you the paper which Mr. Walker has thought fit so to publish, and you shall judge, whether Mr. Roberts, or any other man in Mr. Roberts's situation, could well have refrained from doing what he has done. — When I say that, I do not mean to defend the legality of it, but I contend that the provocation was as strong as a man could possibly receive, and that the return to that provocation was not more violent, nay that it was not so violent, as the act that had been immediately done by Mr. Walker to Mr. Roberts — the paper that I have alluded to as the answer to Mr. Roberts, is this —

“ In whatever manner Mr. Roberts had thought
 “ proper to have called upon Mr. Walker immediately

“ after

“ after the receipt of *any* of Mr. Walker's Letters, Mr. Walker would have held himself bound to have attended Mr. Roberts's call.”

Why is not that avowing the meaning of his own Letters?—Does not he mean to say, that his Letters had called upon Mr. Roberts to require him, Mr. Walker, to fight? He says he should have held himself bound to have attended Mr. Roberts's call, after any one of these Letters—But he goes on further—“ and which, if Mr. Walker is not greatly misinformed, Mr. Roberts was fully acquainted with.”—Then he not only avows his meaning, but he avows that he knew that that meaning had been fully communicated to Mr. Roberts. He goes on in these words—“ But Mr. Walker can by no means think it incumbent on any man to be ready, at any time, (however distant from the origin of a dispute) to bolster up the character of another, whose conduct in that dispute has justly degraded him from any pretensions, to rank as a Gentleman, or a Man of Honor.”

To bolster up his reputation—for what? why for prowess, to rescue him from the imputation of cowardice;—it can mean nothing else—there is nothing else that a duel can bolster up a man's reputation for.—Then Mr. Walker not only acknowledges challenging Mr. Roberts, but he imputes to Mr. Roberts cowardice, in having refused that challenge.—“ That Mr. Roberts's conduct, in the dispute which Mr. Roberts has so unaccountably forced himself into with Mr. Walker, has been such, Mr. Walker trusts is the opinion of those who have only read Mr. Roberts's own statement of the affair; nevertheless, if Mr. Roberts can prove what Mr. Walker has been compelled by Mr. Roberts to lay before the public, to be erroneous even in a single instance,
“ Mr.

“ Mr. Walker will meet Mr. Roberts” — still avowing his purpose — “ at any time and place Mr. Roberts may think proper to appoint — but if Mr. Roberts cannot do this, Mr. Roberts must stand convicted of FALSEHOOD before the public, to whom Mr. Roberts has thought proper to appeal; and in that case Mr. Walker cannot think of reducing himself to a level with Mr. Roberts.” — This is the answer he delivered to Mr. Swann.

“ I also give to the public the following letters, which are further proofs (if any are necessary) of the *valour and the veracity* of Mr. Roberts; after which I shall cease to trouble myself, or to *insult them* about the further attempts of an adversary, who has shrunk from a private decision, and only ventures on the *message* he proclaims so triumphantly, after he has, *for near a week*, made the affair a subject of public conversation, and when he seems to hope that the Magistrates may be ready to *second* him in the business.”

THOMAS WALKER.

This paper, thus signed, Thomas Walker, was printed in the form of a hand bill — eight hundred of these hand bills were printed and dispersed, by order of Mr. Walker, before Mr. Roberts wrote the paper that is now complained of. — That this paper had been so printed by Mr. Walker, was communicated to Mr. Roberts by his own servant — and on the instant, in the passion and resentment excited by the publication of such a paper, imputing to him almost every thing that could be imputed to a man — I say, in the passion arising from that, he instantly wrote the paper from whence the hand bill has been printed, which has now been read. — It was sent instantly to the Printer — a few of these papers were posted up, and some few distributed — but in two days

Mr.

Mr. Roberts was cool again, and wished to get in all that had been so printed.

Now, let us compare these two Libels together, and let us see which is the most virulent.—Mr. Walker's has the precedency—it comes first—it is the provocation to Mr. Roberts to do what he has done.—Why, it seems Mr. Roberts has called Mr. Walker a Bully—He says, that he has commenced his virulence against him like a Bully—has conducted it like a Fool—has acted in it like a Scoundrel—has ended it like a Coward—at last has turned Blackguard—and he concludes it with this observation, that he is “unworthy of association with, or notice of, any Gentleman who regards his own character.”

My learned Friend has talked to you a great deal of the reflection which this bears upon the character of Mr. Walker as a Merchant. Is there a word about the character or situation of Mr. Walker, as a Merchant, in this? Every thing that has been said in this paper, refers to the dispute between these two Parties, and nothing else.—If Mr. Walker's character as a Merchant had been meant to be brought into question, and that had been the import of the paper, or of any thing written by Mr. Roberts—my Friend, or whoever prepared the Declaration in this Action, would have so charged it—They have not charged it to be an imputation upon Mr. Walker in his Mercantile character—and if they had so charged it, I should have been entitled to your Verdict. Every consideration of damage sustained by Mr. Walker, as a merchant, is foreign to the question now before you—Nothing of that sort is imported by the paper that has been published—Nothing of that sort is imported by any thing that has passed between the parties in the progress of this dispute—and this paper refers to nothing
• else,

else, but what was done in the progress of that dispute. As to the epithets Bully, Fool, Scoundrel, Coward, and Blackguard, *they are certainly epithets blackguard enough*—they do not refer to any particular act—but are mere general terms of passion and abuse.

My learned Friend has bestowed a very ingenious comment upon one of the words—the word Scoundrel—I suppose because that is the only word not to be found in his Client's libel.—I cannot say I agree with him in the comment he has made upon that word—it is but a word of general abuse and resentment, and is so considered by the law—for if I do not print it or publish it in writing, and only in words call a man a scoundrel, the law disregards such mere general abuse—so much, that the party to whom I address myself cannot maintain an action against me—the words are not actionable.

But what does Mr. Walker say of Mr. Roberts, before Mr. Roberts publishes this. In the first place he avows his challenge—He says in express terms, that Mr. Roberts had shrunk from a private decision—Why is not that calling him Coward?—Is not that more emphatically calling him Coward? because he does not merely use the general term, as Mr. Roberts does, but he points out in what instance he has acted as a Coward—he points his malignity—it is more studied, and particularly applied to pretended facts.

Does not he likewise call him a Bully? He does not indeed use the word *Bully*—but he says Mr. Roberts has plumed himself upon the last message he sent—That message which you see, from the context you must suppose to be a challenge.—Till he, Mr. Roberts, had talked of it publicly for a week—till he had talked of it in the presence of Ladies—and till Mr. Roberts was perfectly

perfectly secure that the Magistrates would interpose as a second, and prevent the duel from taking place — Why, if that is not charging a man with being a Bully, I don't know what is — if that mode of acting would not entitle him to the denomination of a Bully. I conceive nothing can deserve the appellation so much, as making a parade and pretence of being ready to fight, after having taken effectual means to prevent the completion of any purpose of fighting.

Mr. Walker tells him he is a Liar too, or uses words equivalent to such a charge — (that is a word not to be found in Mr. Roberts's Libel) He tells him that unless he proves certain things (in what manner he does not point out) he stood convicted of falsehood. — Then is there any thing opprobrious contained in the Libel imputed to Mr. Roberts, which is not contained in this Libel, which Mr. Walker has published against Mr. Roberts?

And with respect to the conclusion of Mr. Roberts's Libel, wherein he declares Mr. Walker unworthy of association with, or notice of any Gentleman who regards his own character — this is what my learned Friend says would banish him from all respectable Society — be a disgrace to his Sons, and his Sons Sons, to the remotest generations. — This is but a mere echo of what Mr. Walker had just before said of Mr. Roberts — for the very words in Mr. Walker's Libel are these — Speaking of Mr. Roberts, he says — " Whose conduct in the dispute has justly degraded him from any pretensions to rank as a Gentleman, or Man of honour." — Now is not that exactly the same thing? And does Mr. Roberts in his publication, say any thing more than what Mr. Walker had published of him?

My Friend has talked of publications beyond the limits of this Realm — We have heard of no such publications

—but I think that out of eight hundred hand bills, some were as likely to fly beyond the limits of this Realm, as any hand bills published by Mr. Roberts. — Then does Mr. Walker come into a Court of Justice with clean hands? Has he, in the first instance, appealed as he ought to have done to the Laws of his Country? If he thought he had suffered any wrong, or any injustice, has not he taken vengeance into his own hands? has not he done it in such a way, as to make himself guilty of every thing that he can possibly impute to Mr. Roberts?

Does not Mr. Walker, throughout the whole of the early part of this business, assume to himself the character of a fighting man? How he happened to drop that character I do not know. — He says it is too late — his valour was wound up for a period of a week or *ten days*, or some such period, and then expired. — I would gladly have hoped, if the correspondence would have permitted me to do so, that Mr. Walker had desisted from the purpose of fighting, upon better motives — that he had considered that it would have been an act which was against every moral and every religious duty, and a violation of the Laws of his Country. — I would gladly have supposed, that that had been the reason why Mr. Walker all of a sudden declines the character of a Challenger — but it is not so — In his last publication, he not only insists upon the provocation he had given Mr. Roberts to fight, but he challenges Mr. Roberts with having declined that private decision — considers him as a degraded character, unworthy to have his reputation for courage bolstered up by Mr. Walker — and after that, he tells him, that if he proves certain things to his satisfaction, he will fight him still — Therefore it was not from conscientious motives, not from motives of regard to the
Laws

Laws of his Country, that Mr. Walker had now laid aside the character of a Challenger.

Whether Mr. Walker does or does not wish to establish a reputation for military valour—whether he is, in the general course of his conduct, violent, insolent, and overbearing, or not, you may know perhaps better than I—It is not my purpose to calumniate the character of Mr. Walker—My business here is to defend my Client, Mr. Roberts—and in doing that, I am obliged to advert to the conduct of Mr. Walker in this business—In that conduct I see his character—and to that conduct alone, I refer every observation that I make.—I derive them not from any other source—I am not instructed to derive them from any other source—My instructions, my duty, and inclinations, all are to defend my Client, and not defame the character of Mr. Walker.—But as I cannot ascribe Mr. Walker's preference of a legal contest to his regard for the observance of the law, it is necessary to look for some other motive—and it appears to me, that he found, upon cool consideration, that he might contend with Mr. Roberts in a manner much more ruinous to Mr. Roberts—He knew, that by his purse and his power, he might banish him from the Town of Manchester, where he hoped to support himself, by the honourable exercise of his profession.—To that motive alone I can impute Mr. Walker's conduct, in thus bringing an Action for damages, and adopting a design upon Mr. Roberts's pocket, after having himself appeared as a Challenger, a Libeller, and a man acting in defiance of the Laws of his Country—an attempt to ruin Mr. Roberts by expence—to nothing else can I impute his endeavouring to seek redress by an Action for damages.

The consequences of a verdict against Mr. Roberts for damages, at any rate must be severe—If you give one

shilling, or one penny in damages, Mr. Roberts must be subject to all the costs of this action; and the costs of this action are not an immaterial, or inconsiderable object—they would not be immaterial or inconsiderable to almost any man—but they are particularly material to a person in the situation of Mr. Roberts.—You have had several, though not a great multitude of witnesses produced, on the part of the Plaintiff, in this action—but there are a host of witnesses attending—I dare say you know, that almost half the town of Manchester are attending upon this occasion, to give evidence—Though not called, I make no doubt, that when the costs come to be taxed, all the expence of their attendance will be brought to swell the reckoning of Mr. Roberts, and to throw upon him a burthen, which his purse and his situation are not equal to.

It is suggested to me that there is a Short-hand Writer brought down from London, to take notes of this Trial—Mr. Gurney—a Gentleman of the first eminence in his profession.—I do not mean to suggest that his bill will be included, or that the proper officer will allow it in the costs; but the circumstance does seem to show the spirit with which this cause has been conducted; and it tends to show this, that Mr. Walker has not yet done with publications—he means to publish this Trial—So far from being afraid that his Sons and Grandsons should hear what has been said of him, he means to publish it himself, and, for what I know, amongst the State Trials—I cannot otherwise account for Mr. Gurney's being brought down from London to take down in short-hand the proceedings on this Trial; for as to any question of law, none can arise—the Court above has not any sentence to pass upon the Defendant—all depends upon your verdict, and your verdict alone.

In

In a case thus circumstanced, I am sure, notwithstanding all the abilities of my learned Friend, he will not be able to persuade you, that Mr. Walker is entitled to much damages.—Had this publication immediately ensued the quarrel at the Revolution Dinner, without any challenge—without any provocation from Mr. Walker—without the publication of any Libel on the part of Mr. Walker—Had it been unprovoked, except by those circumstances in which that quarrel originated, it might have been a cause for considerable damages—but does it lie in the mouth of Mr. Walker himself, who is at least an equal violator of the law—who has himself done the first violent act—for every thing that preceded that last publication of Mr. Walker's is mere milk and water—that contains every thing that is contained in Mr. Roberts's Libel, and contains more.

Having pursued this conduct, and thus taken the law into his own hands, I will appeal to your sober judgment and discretion, whether you think it is fit that Mr. Walker should receive any thing that is serious in the shape of damages.

My Client, Mr. Roberts, has quitted his native Country, and has thrown himself upon the protection of this—I trust, that in your consideration of the merits of this Case, you will not only convince Mr. Walker, that when he means to appeal to the Laws of his Country, he is to make that appeal in the first instance—and that after such steps as he has taken to avenge himself, he shall not have further vengeance, so far as you can prevent it, in an action for damages—I trust too that you will satisfy Mr. Roberts, that he has not done injudiciously or imprudently in throwing himself upon the protection of this Country—that he and all others in his situation may always depend upon
the

the Laws of this Country, and upon the mild and just manner in which those Laws are administered by a Jury of Englishmen.

Gentlemen, I have nothing to add to the observations I have already troubled you with, perhaps too much at length—but I had a long correspondence to state—you will have it all read; and I have no objections to producing to your inspection, *every thing* that has been written by Mr. Roberts upon the occasion—not meaning to justify all he has written, but to draw this inference—that the Publication was not deliberately malicious, but that his resentment was gradually increased by Provocation—till at last, by one violent and outrageous act, he was provoked and compelled to print that paper, which has been the subject of the present Action.

EVIDENCE for the DEFENDANT.

The Rev. Lewis Loyd. (sworn)

Examined by Mr. Lambe.

Q. I believe you was at the Revolution Dinner at Manchester, upon the 5th. of November last.

A. I was.

Q. Do you recollect the song of " Billy Pitt the Tory" being called for?

A. I do.

Q. Do you recollect Mr. Roberts objecting to it?

A. I do.

Q. Did he object to it in a violent and angry, or in a quiet and peaceable manner?

A. Not in an angry manner by any means; I observed no symptoms of anger.

Q. Was your situation such, that if there had been any symptoms of anger, you must have discovered them?

A. I sat next but one to Mr. Roberts; there were no symptoms of anger, but of displeasure—he appeared displeased with it.

Q. Do you recollect Mr. Philips's seconding the objection?

A. Yes, very well.

Q. Upon these objections being made the song was given up, and not sung.

A. It was not sung.

Q. Did you see Mr. Walker at that time?

A. I did.

Q. How did he appear to you to be?

A. Considerably agitated.

Q. Did

Q. Did you see Mr. Philips go up to Mr. Walker?

A. I did not.

Q. Did you see Mr. Roberts go up to him?

A. I did not—I left the room at an early hour.

Q. Did Mr. Walker discover any signs of displeasure?

A. He shook his head, and directed very angry looks to that part of the room in which Mr. George Philips and Mr. Roberts sat.

The Rev. Lewis Lloyd,

Crofts Examined by Mr. Law.

Q. You saw Mr. Walker's countenance directed, you say, to that part of the room where Mr. Roberts and Mr. Philips were sitting?

A. I did.

Q. Was you able to discover whether his countenance was more particularly directed to Mr. Philips or Mr. Roberts?

A. I thought he directed those angry looks to Mr. George Philips.

Q. Whether Mr. Walker's conduct upon that occasion, as Chairman, was not proper for that situation; and whether he did not do all in his power to promote the harmony of the day?

A. I knew George Philips and Mr. Walker were particular friends, and I considered Mr. Walker's conduct as exceedingly proper.

Q. You will, I dare say, have no objection to declare, that his conduct was regulated by decorum and impartiality.

A. I have

A. I have not; and for this reason, because those looks were directed to his friend.

Mr. *Lambe*. Mr. Philips and Mr. Roberts sat in the same direction, both placed with their backs towards Mr. Walker?

A. Yes.

Q. Therefore Mr. Walker's looks might be directed to either.

A. Yes; but there was one circumstance which weighed very much with me, in thinking that they were directed to Mr. Philips. We sat with our backs to Mr. Walker, and Mr. George Philips turned his face towards the Chair. Mr. Walker immediately observed him; and when he observed him, he directly repeated those angry looks I before observed.

Q. Then Mr. Roberts had not turned his face towards the Chair?

A. That I cannot say.

Q. There was no cause of anger, but an objection to a party song?

A. I observed nothing else.

Mr. *Law*. You did not hear any thing Mr. Walker said afterwards to Mr. George Philips, expressing his surprize that he should so misunderstand him—or that he thought Mr. Philips had known his principles better, than to suppose him capable of imposing a party song upon the company, on such an occasion?

A. I did not.

Mr. *William Seddon*, (sworn)

Examined by Mr. *Parke*.

Q. You dined at this Revolution Dinner,

A. Yes.

Q. At which table did you sit?

A. At the table at which Mr. Walker was.

O

Q. How

Q. How far off were you from Mr. Walker?

A. I believe there were six or seven above me.

Q. Six or seven on each side, between you and Mr. Walker.

A. Yes.

Q. You recollect this song being called for?

A. I do.

Q. By whom was it called for?

A. It was called for by Mr. Walker.

Q. You did not hear the application made by Mr. Wood?

A. I did not.

Q. When it was called for by Mr. Walker, who objected to it?

A. Several Gentlemen who sat near me objected to it.

Q. Did any body else object to it besides those Gentlemen that sat near you?

A. Mr. Roberts objected to it first.

Q. Before you heard those Gentlemen round you object to it?

A. The first objection I heard was from Mr. Roberts, and then the Gentlemen near me said the same thing.

Q. In what manner did Mr. Roberts object to it?

A. He only made an objection—there did not appear to me to be any thing offensive in the manner.

Q. Did he do it with any heat or warmth?

A. I saw no heat or warmth at all.

Q. Do you happen to recollect the words he made use of when he objected to it?

A. I think he said—"I beg leave to object"—or—"I object to that song"—or words to that effect.

Q. But there was no heat or warmth in his manner of expression?

A. I did not observe any, and I saw him very distinctly.

Q. Did

Q. Did any body else object to it in the same way that he did?

A. Mr. George Philips objected to it—he made a short speech—an address to the Chair.

Q. Taking the same side with Mr. Roberts in the objection?

A. Taking the same side with Mr. Roberts.

Q. Do you recollect any persons in particular, besides Mr. Philips, who were Friends of Mr. Walker, taking the side of Mr. Roberts?

A. I remember Mr. Grant and Mr. Samuel Birch.

Q. Is Mr. Grant a particular friend or a relation of Mr. Walker's?

A. He is the Brother-in-Law of Mr. Walker—He was very particular in preventing its being sung.—We sat very near the Gentleman who was called upon to sing it; I believe diametrically opposite.—I believe it was in consequence of Mr. Grant's objection to it, and his desire and Mr. Birch's that it might not be sung, that the Gentleman did not sing it.

Q. Then another song was substituted in its place?

A. Yes, the song—"Rule Britannia."

Q. Do you recollect Mr. Roberts going up afterwards to speak to Mr. Walker?

A. Some time after the song "Rule Britannia" was sung, I observed Mr. Roberts go up to Mr. Walker.

Q. Before you observed Mr. Roberts go up to Mr. Walker, had you observed any appearance of anger or dislike at what had been done, in Mr. Walker's countenance?

A. No: I do not recollect that I did, he seemed a little agitated when the song was objected to.

Q. Had you observed Mr. Philips go up before you saw Mr. Roberts?

A. I saw Mr. Philips go up, but whether before or after Mr. Roberts went up I cannot recollect: but I am inclined to think it was after.—I wish to be understood that I am not certain as to that.

Q. When you saw Mr. Roberts with Mr. Walker, did you observe whether he was speaking to him or not?

A. He came up to him: Mr. Walker sat in the Chair, and Mr. Roberts addressed him.

Q. Were you near enough to hear what Mr. Roberts or Mr. Walker said?

A. I was quite near enough; but there was a good deal of buzz—We had drunk a good deal of wine, and there were sixty or seventy Gentlemen in the room—I did not hear.

Q. Did you observe any thing particular in Mr. Walker's conduct, upon Mr. Roberts's speaking to him?

A. Immediately upon his addressing him, I saw Mr. Walker very much agitated—in great anger—As I heard no conversation, and saw nothing but looks, I can only speak to the impression that was made upon my mind at the time.

Q. What impression did Mr. Walker's manner make upon your mind?

A. Mr. Walker appeared to me to be in great anger, and very much agitated.

Q. Did you observe any thing remarkable in his looks, or gestures of any kind?

A. His look impressed me with an idea of contempt and hauteur towards Mr. Roberts.

Q. Were those looks of contempt and hauteur directed towards Mr. Roberts?

A. Immediately towards Mr. Roberts—that I am positive of.

Q. Was

Q. Was the impression it made on you at the time, such as induced you to express the impression at the time; and to whom?

A. I sat next Mr. Grant at the time—I immediately called his attention—I said “What can Mr. Roberts possibly have said to Mr. Walker, that makes him look so damnation poisonous at him.”

Mr. Law. What has the observation the witness made to Mr. Grant to do with this?

Mr. Parke. Merely that he made the observation to Mr. Grant at the time.—Do you recollect any thing more that passed at that time?

A. I do not recollect any thing more particularly that passed at that time.

Mr. William Seddon.

Cross Examined by Mr. Serjeant Cockell

Q. You are an attorney.

A. I am.

Q. Have you any concern in this cause for Mr. Roberts?

A. No concern whatever; nor have ever been applied to for the purpose.

Q. When was it that you first related what you have now said of Mr. Walker's looks?

A. I related the looks to Mr. Grant at the time.

Q. When did you mention it to Mr. Roberts?

A. I do not know that I ever did mention it to Mr. Roberts—I spoke of it publicly.

Q. How long ago?

A. Immediately after; and I spoke of it very publicly whenever the dispute was mentioned, which it was very frequently.

Q. The

Q. The Gentlemen near you whispered their objections about the song.

A. Yes.

Q. Of course these objections never reached the ears of Mr. Walker?

A. No.

Q. Then upon what was it that Mr. Walker acceded to the song of "Rule Britannia"—Was it not in consequence of what Mr. Philips and Mr. Roberts said in disapprobation of the other song?

A. I believe it was in consequence of Mr. Grant and Mr. Birch's objections.

Q. Did Mr. Walker call out again for the same song of "Billy Pitt the Tory?"

A. He called out a great many times.

Q. After the objection to it?

A. Yes; several times.

Q. Are you recollected in that?

A. Perfectly.

Q. How long did all this dispute take up?

A. It created a bustle in the room a considerable time.

Q. Mr. Lloyd was very near the Chair?

A. He was next Mr. Walker.

Q. And as likely to hear Mr. Walker call out many times for the song as you?

A. Certainly, as likely in every respect.

Q. Then after having heard Mr. Lloyd say it was called for but once, let me ask you that question again.

A. To the best of my recollection, it was called for by Mr. Walker several times.

Q. Before or after Mr. Philips had spoke?

A. I cannot be clear as to that.

Q. Before or after Mr. Roberts had spoke?

A. Mr. Roberts immediately objected to it.

Q. Was

Q. Was not the calling for it several times in this way? Billy Pitt the Tory—Billy Pitt the Tory.

A. Yes, in that way—Mr. Walker certainly did not persist in having it sung, because if he had, I believe the song would certainly have been sung.

Q. He only called out Billy Pitt the Tory—Billy Pitt the Tory?

A. Yes, certainly in that way—he called for it but at one time.

Q. Then you said that you saw Mr. Walker direct angry looks immediately to Mr. Roberts?

A. Certainly.

Q. Did you hear Mr. Roberts say any thing?

A. No.

Q. You did not hear Mr. Roberts damn Mr. Walker?

A. I did not.

Q. You heard no language from Mr. Roberts to Mr. Walker?

A. I did not hear a word on either side.

Q. Did you see Mr. Walker look at Mr. Philips?

A. When Mr. Philips came up I saw him look at him.

Q. Did not he look with equal anger at his Friend, Mr. Philips, as he did at Mr. Roberts?

A. He might, or not.

Q. What did you observe?

A. I did not observe that he looked at Mr. Philips—To the other my attention was particularly directed.

Q. And he seemed angry from his looks?

A. He seemed extremely angry.

Q. How did Mr. Roberts look—Were his looks complacent?

A. He looked very angry when he came away—his face was very much flushed, and he was very much agitated.

Q. How

Q. How long did he remain in the Room after he left Mr. Walker's chair?

A. I did not see him go out of the room—I did not know that he had left the room.

Q. Whether Mr. Roberts's countenance, when he was at the Chair with Mr. Walker, was a countenance full of anger, or all complacency?

A. When he went away from Mr. Walker he seemed full of anger, and his face was very much flushed.

Q. Did any person address Mr. Walker upon the subject of the song, except Mr. Philips and Mr. Roberts?

A. I believe not—I did not hear any body.

Mr. Parke. I think you said you sat immediately opposite to Mr. Taylor, the Gentleman who was to have sung this song.

A. I did.

Q. And you said in your first Examination, that in consequence of what was said near you, Mr. Taylor substituted "Rule Britannia."

A. I thought at the time that Mr. Grant and Mr. Birch—I think it was Mr. Birch—but it was Mr. Grant and Mr. Birch, or Mr. Grant and another Gentleman, had very considerable influence upon Mr. Taylor, so as to influence him not to sing that song.

Q. And he sung—"Rule Britannia."

A. Yes.

Q. He was not called upon by the Chairman for that song, but substituted it himself?

A. Mr. Grant said—Mr. Taylor you had better sing another song—You will make yourself Enemies and no Friends—it is a party business—and while the bustle was going on, he began singing another song.

Q. When

Q. When Mr. Roberts came up to Mr. Walker first, you observed nothing particular in his conduct and demeanour.

A. I did not.

Q. And when he went away, you observed his face was flushed, and he was very much agitated.

A. He was.

Q. The cause of that you did not know.

A. I did not.

Mr. *Serjeant Cockell*. The song, "Rule Britannia," was sung without any objection from any one.

A. It always is in England.

Mr. *Edward Grant*, (sworn)

Examined by Mr. *Christian*.

Q. You are a merchant at Manchester.

A. Yes.

Q. I believe you are Brother-in-Law to the Plaintiff, Mr. Walker.

A. I am.

Q. As you are a Gentleman of honour, I have no doubt that you will give us a fair and full account, notwithstanding that connection.—You were one of the Gentlemen assembled to commemorate the Revolution on the fifth of November.

A. I was.

Q. Your Brother-in-Law, Mr. Walker, was Chairman.

A. He was.

Q. You remember his calling for Billy Pitt the Tory?

A. I do.

Q. Did he call for it with a gentle voice, or with vehemence?

A. He called loud.

P

Q. Did

Q. Did he call for it with more vehemence, or with the same vehemence as for the other songs?

A. He did not at the first.

Q. But he did afterwards.

A. There was a great deal of opposition—There were a great many who called for the song, and a great many against it.—I remember Mr. Walker saying—The song—the song.

Q. Did he call repeatedly for the song, notwithstanding the opposition?

A. I think many people called for the song, and many against it—Mr. Walker called for it for one.

Q. Did Mr. Walker call for it during this opposition?

A. I think he did—but I cannot be quite clear.

Q. Do you remember any objection being made to it by Mr. Roberts?

A. I am not quite sure that Mr. Roberts objected—I saw several people stand up—One I am sure was Mr. Philips, and I think Mr. Roberts.—Mr. Roberts was not at the same table that I was—I was a good way off from him.

Q. Did you see Mr. Roberts at the time?

A. I saw a Gentleman stand up in brown clothes, and I afterwards believed it was Mr. Roberts.

Q. Had you drank a good deal of wine?

A. I had.

Q. By that time?

A. I think it was later in the day than has been said—I think it was two or three hours after the table had been cleared—I think it was between six and seven o'clock, and we dined between three and four—We dined about half past three.

Q. Is

Q. In consequence of the opposition that was made, another song was sung?

A. Yes; I applied to Mr. Taylor myself not to sing the song.

Q. What was your opinion of the propriety of singing that song?

Mr. *Law*. Don't ask the witness's opinion.

Mr. *Christian*. Did you oppose it yourself?

A. I did.

Q. Did you make any declaration at the time, with regard to the song?

A. I applied to Mr. Taylor—I told him it was a party song, and he had better not sing it—and Mr. Birch, who sat next him, did the same.

Q. Did you hear any other Gentleman object to the song, as thinking it improper?

A. I heard a noise, but not to distinguish.

Q. Did you observe Mr. Walker's looks while the song of "Rule Britannia" was singing?

A. I did not observe him at all—I was talking to other people.

Q. Do you remember to have seen Mr. Roberts go up to the Chairman?

A. No.

Q. Did not you see Mr. Roberts go up at all to the Chairman?

A. I did not see Mr. Roberts go up to him.

Q. Did you, in consequence of some observation made by Mr. Seddon, observe the looks of Mr. Walker?

A. I did—I thought he looked angry, as if he was offended with somebody.

Q. In a passion.

A. There was something more like contempt than anger—but I was not looking at Mr. Walker till Mr. Seddon spoke to me.

Mr. Edward Grant,

Cross examined by Mr. Wood.

Q. Did you hear Mr. Wood desire Mr. Walker to call for this song?

A. I saw Mr. Wood go up to Mr. Walker, and saw him speak to him; and I believe it was for that purpose.

Q. Whether, in your judgment, Mr. Walker conducted himself with any impropriety as Chairman of that meeting?

Mr. *Chambre*. I object to that question.—You might as well ask for an account of all the toasts that were given at the meeting.

Mr. *Wood*. Mr. Roberts states, that as Chairman Mr. Walker acted with folly and impertinence.—Surely we can shew the falsity of Mr. Roberts's charge—I ask you, whether, in your judgment, he acted with impropriety at that meeting?

A. I think he did—He should not have called for the song of Billy Pitt the Tory, because it is a party song.

Q. When he called for that song, did not he call for it as all the other songs had been called for?

A. Yes, he did.

Mr. *Christian*. I believe you told your Brother-in-law that evening, that his conduct had been improper, in calling for a party song at a general meeting.

A. I cannot recollect every thing I said to him—I supped with him that evening—I mentioned to him, I thought he should not have called for that song—He said he acted quite right.

Mr. *Christian*. Do you think the Chairman's conduct was proper, in giving Mr. Roberts such contemptuous looks for his opposition to this song?

A. I do not know that they were directed to Mr. Roberts,

Q. But

Q. But should you have thought those contemptuous looks proper, if they had been for his opposition to this song?

A. If they had been merely for his opposition to this song, I should have thought them improper.

Mr. *Chambre*. Mr. Law, we have given you notice to produce the Letters Mr. Roberts wrote to Mr. Walker, for the sake of making the correspondence intelligible—If you choose to produce them, we will read them in order—if not, we will proceed to read your's.

Mr. *Law*. We certainly will give them to you.

Mr. *James Harrop*, (sworn)

Examined by Mr. *Chambre*.

Q. Do you know the hand writing of Mr. Walker? Whose hand writing do you believe this paper to be? (shewing a paper to the witness)

A. I believe this to be the hand writing of Mr. Walker.

Mr. *Chambre*. We will now read the whole correspondence.

The Associate here read the correspondence between Mr. Roberts and Mr. Walker.

IT is a painful duty that I owe to myself, to be under the necessity of intruding on the public, a Correspondence which ought not to have extended beyond the knowledge of the parties themselves, or their particular friends. An unfortunate disagreement between Mr. Thomas Walker, and myself, has produced the following Letters—His last letter was such an one, that I could not without disgrace, have left unanswered; the answer I sent he thought proper to return unopened. I am obliged, therefore, either to communicate it to him
by

by publication, or submit to be treated with contemptuous silence. It was therefore proper that the whole of the Correspondence should at the same time appear, for the satisfaction of those who condescend to notice it, and to prevent misrepresentations to the disadvantage of either of us.

Manchester, 10th Nov. 1790.

WM. ROBERTS.

Mr. Thomas Walker.

Mr. William Roberts.

SIR,

SIR,

I HAVE this instant returned from a dinner intended to celebrate the Anniversary of the Glorious Revolution—I went to it with those ideas which that great event naturally suggests, viz. That in cases of extreme necessity, when the liberties of the people of England were evidently threatened by the tyranny of a King, that it was lawful for the people to maintain their rights, even to the total exclusion of such a King from the throne—This is a principle which I conceived had no relation to the politics of the day—It is a principle which all wise and good men ought to concur in supporting. But what was my surprize when

YOUR letter of yesterday I received too late to answer last night. My conduct as Chairman was *strictly proper*—if you are dissatisfied with it, I will immediately *justify it*, in whatever manner you please; and considering the difference between your situation and mine, it would, I conceive, be highly improper in me to take any other notice of the absurdity of your conduct, or of the folly and falsehood of your letter, unless *called upon* by you.

THOMAS WALKER.

South Parade,
Saturday Morning, Nov. 6, 1790.

when soon after the cloth was removed, at a meeting solely intended to commemorate the Era when the true principles of Liberty were established; what was my surprize to hear you, Sir, the Chairman of that Meeting, vociferating for a song on "Billy Pitt the Tory"—Not a moment's reflection was required to discern the dishonour which at that instant obscured the Chair.—I rose, and objected to such a song being sung—I was seconded by a Gentleman, to his great honour, whose political sentiments I believe coincide with your own. The inconsistency, the absurdity of such a request, at a meeting commemorating so happy an event, was I believe felt by the company, and the Gentleman who was called upon for the song on "Billy Pitt the Tory," gave you a proper reprehension in substituting one calculated to swell the hearts of Englishmen with patriotic enthusiasm, viz. "Britannia rules the Waves."—This ended,
I left

I left my seat, and intended to have spoken to you with politeness and civility on what had passed—But unfortunately I addressed you by the appellation of Boroughreeve—that title you thought a reproach, and with a look of anger, haughtiness and arrogance, you stopped me by saying, “I am no Boroughreeve here.” This anger, this haughtiness, this arrogance, I did not think I merited; although I perceived it was boiling in your breast—It was my wish to have appeased it. You are not of a temper to brook controul, or to forgive it: but I will not trouble myself about the ingredients which compose your temper. I tremble not at its fiercest blasts—In this instance *I* must take the liberty of telling you, that as a Chairman, *you* have acted with *folly*; that as a Gentleman, *I* have received from you *impertinence* unprovoked.

WM. ROBERTS.

Friday Evening, 5th Nov. 1790

No. 14, Piccadilly.

Mr.

Mr. Thomas Walker.

SIR,

I was perfectly satisfied with the reparation I gave myself, when I informed you of my opinion of your conduct as a Chairman, and of your improper and ungentleman-like warmth towards me as an individual; I did not feel sufficient provocation to justify a violation of laws which you seem to despise. Your conduct as Chairman you assert was *strictly proper*. I acknowledge it was so, while you submitted to be guided by the paper from which you proclaimed the Toasts with so much credit to yourself; but losing sight of that guide, you in an instant lost yourself, forgot the intention of the meeting, which every wise and good man of every party of the present day must approve, and blinded by a zeal too unsteady to behold events or things, and calculated only for the abuse and attack of persons, you cried out for the song on
 " Billy

Mr. Roberts.

SIR,

I find that you neither know me nor my principles. Had you written to me like a rational being, as such I had answered you, and had I either injured you, or *meant* to have injured you, I would have called upon you before this; but having done neither, and conceiving myself to have been extremely ill treated by you, I certainly cannot call upon you; but as I have given you one option, I will give you another, to call upon me, when I have no doubt I shall convince you, not only how much you have been mistaken, but how much injustice you have done me.

THOMAS WALKER.

Saturday, Nov. 6th.

1790.

" Billy Pitt the Tory,"
 and afterwards treated me
 with a piece of petty im-
 pertinence, of which it was
 proper to tell you, merely
 to convince you, that I was
 not in the habit of receiving
 such treatment. Having
 told you this before, you
 have in answer attempted
 to make me believe, that
 there was some difference
 between our situations,
 which would render it im-
 proper for you to take any
 further notice of it, unless
called upon by me. Pray
 what terms could your most
 heated powers of oratory
 produce sufficiently strong
 to reprobate so paltry, so
 contemptible a subterfuge,
 in another? But what are
 our situations to which you
 fly, in order to make me
 the aggressor? I have
 lived three years in Man-
 chester, in the practice of
 my profession as a Barrister
 at Law. Though at first a
 stranger here, the extraor-
 dinary civilities I have re-
 ceived and continue to
 receive, persuade me that I
 have

have not sullied that character, nor forfeited my title to rank as a Gentleman. What is your situation? You are Borough-reeve—the first officer of this town—If it were possible that this office could confer any such privilege as you allude to, you have disclaimed it by receiving the appellation with contempt. Yesterday you were Chairman at the Revolution Dinner—The dignity of that situation I allowed, by not resenting the ill-mannered looks and language I received from you while in the Chair. Does your blazing imagination dazzle you into a belief that you are in the Chair still? What other situation can authorise the remark you have made? Oh, now I believe I perceive it, and I am ashamed to have forgot *that*, which in your behaviour to me, you seem so little to have remembered *yourself*—the situation of a *Husband and a Father!* God forbid, that I should be incapable

incapable of feeling the immense difference between our situations in that respect! I hope, therefore, I pay a sufficient attention to that, when I sum up all I have to say thus:—You at the Revolution Dinner, did, and said that with which I was dissatisfied, but not in such a degree as to justify an appeal to the decision which rose in your mind, and to which you desire to throw on me both the odium and the guilt of resorting. If my Letter charged you falsely, as you say it did, it was your business to disprove it, and defend yourself, like a rational being, or like an irrational one — in either way, therefore, I am ready to meet you—the choice lies with yourself.

WM. ROBERTS.

I shall be out of town tomorrow, but on every other morning before 12 you will find me at home.

Saturday Morning,
14, Piccadilly.

Mr. Thomas Walker.

SIR,

I have no objections to meet you—appoint a place and time of meeting, if you please, whenever you think proper, and wherever, except at your own house; two or three Gentlemen I wish to be present, and these I leave to your own selection: but if at this meeting, you expect to alter my opinion of the impropriety of calling for that Song, and of the indecency of that haughtiness of carriage, which you afterwards assumed towards me, because I objected to it, we may save ourselves the trouble of attending. Of your enmity or your friendship I am equally regardless: I neither wish to provoke the former, or to seek the latter; neither the one nor the other appears to possess much stability. There are men whose nature is as susceptible of injury as your own, and requesting you will recollect that whenever we meet, I will conclude in the language

Mr. William Roberts.

SIR,

YOU are so very dull of comprehension, or so very fond of misinterpretation, (or perhaps both) that I shall give myself no more trouble about you.

THOMAS WALKER.

Sunday, 7th Nov.

guage of one of your Toasts,
with a slight alteration,
"May every Briton be as
averse to invading the opi-
nions of others, as zealous
in maintaining his own."

I am, Sir,
your obedient Servant,

WM. ROBERTS.

Saturday Night.

THE FOLLOWING LETTER WAS RETURNED UNOPENED.

To Mr. Thomas Walker.

SIR,

I did not return to Town till this morning, or you should have had an answer to your laconic epistle sooner. It is written in that stile which justifies in my own eyes—I hope it will justify in the eyes of others—the answer I shall make to it.

I have taken the trouble to review the Letters that have passed between us—I find that in them I have charged you with inconsistency, absurdity, haughtiness, arrogance, folly, impertinence, indecency, ill manners, ungentlemanlike warmth, and with a zeal too unsteady to behold events or things, and only calculated for the attack and abuse of persons. In using all these epithets, I have pointed at the particular parts of your conduct, by which you might be able to judge how far they are properly applied. — In return, you have charged me with absurdity of conduct, with folly, falsehood, and now with being dull of comprehension and fond of misinterpretation; but in not a single instance have you been so fair as to tell me how I merited these assertions, nor in truth can I comprehend to what you allude—It is
therefore

therefore language without meaning—'tis low scurrility. If you do not chuse to trouble yourself any more about me, as you pompously say you will not, I shall proceed immediately to publish what has passed between us, to prevent a possibility of your disseminating falsehoods. I now tell you, once more, that I am ready to oppose myself to you in any manner you may think proper—and as you have deserted the ground which I thought you were inclined to stand on as a rational being, I go farther, and tell you that if you will pledge your faith, your honour, and your credit, that you, or any other person by your approbation, or assistance, will not fly to the laws of the country to punish a violation of them which you yourself have provoked, I will so far relieve you of the difficulty you hinted at in your first Letter, as to send you a message which will put a final termination to this business.

W. ROBERTS.

Monday, 8th. Nov. 1790.

The last Letter was this day taken to Mr. Thomas Walker, by Mr. George Philips, who read it to him; and Mr. Walker said, that "No answer was necessary after the Letters he had written."

It was then proposed by Mr. Thomas Johnson, Mr. George Philips, and Mr. John Philips, that the whole affair should be referred to six Gentlemen.

Tuesday, 9th Nov. 1790.

*To Thomas Johnson, George Philips, and John Philips,
Esqrs.*

GENTLEMEN,

WHEN you did me the honour of calling on Tuesday morning last, in the course of our conversation

sation I informed you, that it was impossible for me to talk on the subject of accommodation with Mr. Walker, until my last letter which he returned unopened was communicated to him. Mr. George Philips having undertaken to do this, we agreed to meet again in the afternoon, to hear the event of such communication—We all accordingly met — when Mr. George Philips assured me, that he had read the whole contents of that letter to Mr. Walker. — After much desultory conversation between us, the answer from Mr. Walker, as then taken and written down both by Mr. George Philips and myself, was, that “No answer was necessary after the Letters he had written.” In consequence of which, I consented to refer the whole affair to six Gentlemen, and also to suppress the publication of the correspondence between us, reserving to myself a right to communicate it to my friends, to prevent misrepresentations.

It was my determination compleatly to fulfil this engagement; and as to the reservation of the liberty of communicating these Letters to my friends, I have taken no farther advantage of it, than to give away two copies, besides one to each of you Gentlemen.

Being in company last night with Mr. George Philips, he told me, that he had since conversed with Mr. Walker on the subject, who did not think the answer before given to me, an exact report of what he intended to say. Mr. George Philips then gave me a written paper, which I was to receive as Mr. Walker's answer, in these words: “Mr. Walker conceives his first Letter to be a full and complete answer to Mr. Roberts's last Letter,” Since therefore, Gentlemen, my consent to a reference and to a suppression of the publication of the correspondence, with the reservation mentioned above, were entirely founded on the answer I then received by Mr. George Philips,

Philips, and since that answer is now withdrawn, and another substituted in its stead; I am in conscience, in justice, and in honour at liberty also to withdraw my consent to a reference, and to a suppression of the publication. I do therefore stand absolved, and shall now act as I think proper.

I have the honour to be,

Gentlemen,

Your most obedient, and very humble servant,

WM. ROBERTS.

Piccadilly, 11th Nov. 1790.

Mr. James Harrop,

Cross examined by Mr. Topping.

Q. You printed this posting paper, as it is called.

A. Yes.

Q. Do you remember Mr. Roberts's servant coming for these papers as they were printed off?

A. Yes.

Mr. *Chambre*. Was not this publication which was made by Mr. Walker printed by you?

A. It was, to the best of my knowledge.

Q. Did Mr. Walker direct the publication?

A. He did a publication of this kind. This I believe to be the same.

Q. You know your own types.

A. There may have been an alteration—I believe it to be Mr. Walker's.—I received it from Mr. Walker.

Q. How many copies of that were printed?

A. A thousand, to the best of my recollection.

Q. Mr. *Chambre*. This publication is dated November 12th.—Mr. Roberts having made his representation to

R

the

the public, he was followed by Mr. Walker with this publication.

Court. The letters you have read were printed and published by Mr. Roberts upon the 11th.

Mr. Chambre. They were.

*The Associate here read the following Paper, signed
Thomas Walker.**

I KNOW nothing more disagreeable than for individuals to obtrude their private differences upon the attention of the public; but from the very wanton and unprovoked manner in which I have been attacked by Mr. Roberts, and from his *first* making such an appeal, I am willing to hope that the public will not think me a wilful trespasser upon their time, in stating to them a few plain FACTS.

At the Dinner upon Friday the 5th. inst. for commemorating the glorious Revolution of 1688, I had the honour to give the Toasts: after many had been drank, and several Catches and Glees, and two or three Songs sung, I was requested by Mr. Wood to call upon Mr. Taylor for the song of "Billy Pitt the Tory," in which request, Mr. Wood was joined by most, if not all the Gentlemen who sat near me. I accordingly did call for "Billy Pitt the Tory," just as I had before called for the *Vicar of Bray*, or as I should have called for the song on the *Coalition*, or any other song which I had been requested to ask for. This, Mr. Roberts calls "vociferating

* Which preceded Mr. Walker's publication of the Six Letters, between the Defendant and him, see Pages 118 to 126, and which Mr. W. addressed to the public in reply to the Defendant's publication of the 11th, of November, 1790.

rating for a song on Billy Pitt the Tory, soon after the cloth was removed,"—and says, "not a moment's reflection was required to discern the dishonour which at that instant obscured the Chair." It is very unfortunate for Mr. Roberts, that he did not make use of a moment's reflection, because if he had, I am willing to hope he would not have *exposed himself* in the manner which he has done, but have been convinced, as I flatter myself every other Gentleman present was, that my conduct as Chairman that Day was *strictly proper*. To a more respectable meeting it is impossible to appeal, where the most perfect harmony prevailed, except at the moment that Mr. Roberts interrupted it. Had I persisted, or had I been at all solicitous to have the Song sung, as Mr. Roberts insinuates, I have no doubt but that it would have been sung, as I only heard of two Gentlemen, besides himself, who made the least objection to it. Mr. Roberts then speaks of his *intended* politeness and civility, and of my telling him that I was no Borough-reeve there, which I certainly did, and for this plain reason, that it was the *fact*. He then speaks of my *looks*—what they were I cannot pretend to say. He might perhaps excite my pity, but I am certain he did not provoke my anger.

Mr. Roberts appears to have the *cacoethes scribendi* very strong upon him; but having neither leisure nor inclination to indulge the disorder, even if I were afflicted by it, I shall be as brief as possible, and ask him by what system of Ethicks he was taught to consider it *right*, to attempt to provoke a man, *circumstanced as I am*, to do *that*, which he thinks *wrong*, *circumstanced as he is*. Had Mr. Roberts known me, or my principles, he would have known this—that however strong my private attachments may be, they shall never lead me either as Chairman at

a Dinner, as Boroughreeve of Manchester, or in any other situation in which it is possible for a man to be placed, to promote the interests of individuals at the expence of the rights, the happiness, or the advantage of the public. Whether I wished to have terminated the difference between us rationally, is, I think, very evident from my *second* Letter; whether Mr. Roberts wished it, is equally evident from his *third*. Unwilling any longer to trespass upon the patience of the public, I shall leave them to decide, from the following Correspondence* to whom the charges of "inconsistency, absurdity, arrogance, folly, impertinence, indecency, &c," attach, and observe only, that in my opinion, and I trust in the opinion of every man of common understanding, the Letter which I returned unopened is *fully* answered by my *first* Letter. Whether, what Mr. Roberts states as written down both by Mr. George Philips and himself, in the presence of Mr. Johnson and Mr. John Philips, was ever communicated to him as my *answer*, I must leave those Gentlemen to determine.—To prove to Mr. Roberts that I am not of the unforgiving disposition which he would represent me to be, I shall forbear making *some* remarks upon his conduct, which he must be very sensible I should be perfectly justifiable in doing.

THOMAS WALKER.

Manchester, November 12, 1790.

Mr. Topping. You said Mr. Roberts's servant fetched away these posting papers, as they were printed for distribution.

A. He did,

Q. Did

* See Pages 118 to 126.

Q. Did his servant tell you whether he had distributed them about the Town of Manchester?

A. Yes; he told me he had distributed them at John Shaw's.

Q. That is the Punch-house we have heard of?

A. Yes.

Q. That is a place of great public resort in the Town of Manchester.

A. It is.

Q. Did he tell you whether he knew that Mr. Walker had one?

A. He said he was sure Mr. Walker had one, for he had put one under his door.

Q. Did he tell you whether he had distributed them at any other taverns or private houses?

A. I do not recollect that he did.

Mr. *Chambre*. What time in the evening did the publication come out?

A. About seven, or half past seven in the evening, on Tuesday the 16th. of November.

Q. He told you he had that same night put one under Mr. Walker's door?

A. He did inform me he had put one under Mr. Walker's door—but I am not certain whether it was that evening or the next day.

Q. But it was recently after the publication?

A. Yes; I rather think it was that evening.

Mr. *Topping*. Look at the pamphlet which is entitled "A collection of the correspondence, letters, papers, &c. relating to the dispute between Mr. Walker and Mr. Roberts."—Did you publish that by order of Mr. Roberts?

A. Yes, by his directions.

One of the Jury. Is the posting paper in that publication?

Mr.

Mr. *Topping*. Not in the very terms—Was that after the posting paper had been published?

A. It was.

Q. When was that pamphlet published?

A. The Monday subsequent to the 3d of December.

Mr. *Charles Wheeler*, (sworn)

Examined by Mr. *Lambe*.

Q. Did you print this paper by Mr. Walker's directions? (*shewing the witness Mr. Walker's publication dated Nov. 15th.*)

A. I did.

Q. Do you know the time when?

A. I do not recollect the time.

Q. How many copies of it did you print?

A. From eight hundred to a thousand.

Q. Did Mr. Walker correct the press?

A. Yes, he did.

Q. Cannot you tell from looking at it when it was?

A. I cannot.

Q. When did it come out?

A. I apprehend it was published the day following the date.

Mr. *Serjeant Cockell*. When did you publish the advertisement for the sale of Mr. Roberts' pamphlet?

A. On the fourth of December—advertising the publication for the Monday morning following.

Court. Upon the 11th. of November, Mr. Roberts publishes all the letters to Sunday the 7th. On the 12th. of November, Mr. Walker publishes his address,* with all the former correspondence.

Mr.

* Contained in pages 130 to 132.

Mr. *Chambre*. Just so.—I should have stated that there was a kind of reference took place, which does appear from that paper now in the officer's hands.—There was a delay of some days by reason of that reference.

The Associate read Mr. Walker's Address, 15th. November, 1790.

Manchester, Nov. 15, 1790.

ANOTHER publication, with Mr. Roberts's signature, having this evening issued from the press, respecting his very frivolous altercation with me, I must once more * unwillingly trespass on the patience of the public to remark on the only *new* part of his truly piteous case, and which the following papers completely invalidate.

On Sunday Evening, between seven and eight o'clock, just as I was going to Barlow, a Message was delivered to me by Mr. Rowland Swann, on the part of Mr. Roberts, the purport of which is contained in what Mr. Swann afterwards wrote, but not having any Friend with me, which I judged necessary, I told Mr. Swann that I should send an Answer the next day—accordingly, about Noon, *which is several hours previous* to the appearance of Mr. Roberts's publication, my Friend Mr. Richardson waited on Mr. Swann, and requested him to communicate in writing the message which he had delivered

* This was Mr. Walker's second and *last* publication in answer to that of the Defendant, in Page 141, wherein he charges Mr. W. with not having answered the Message delivered by Mr. Swann.

delivered to me the preceding evening, to prevent any misrepresentations, and that he had an answer, of which Mr. Swann should also have a copy. Mr. Swann immediately complied, and the papers were mutually exchanged—this Mr. Roberts calls “his Message standing unanswered.”

Copy of the Paper written by Mr. Swann.

Ardwick, 15th Nov. 1790.

YESTERDAY Evening, betwixt six and seven o'clock, Mr. Swann was requested by Mr. Roberts to wait on Mr. T. Walker, and to inform him that he could not brook the ill treatment he had received from Mr. Walker, and that Mr. Roberts had been informed that the neighbouring Magistrates had an intention to bind him over to the Peace, which would be very disagreeable. Mr. Roberts was therefore wishful to settle the business at eight o'clock this morning, at Ardwick, or any other place that Mr. Walker thought proper to chuse, by which step the before-mentioned dispute would be settled before the Magistrates could have an opportunity of interfering.

Copy of the Answer delivered by Mr. Richardson.

IN whatever manner Mr. Roberts had thought proper to have called upon Mr. Walker immediately after the receipt of any of Mr. Walker's letters, Mr. Walker would have held himself bound to have attended Mr. Roberts's call; and which, if Mr. Walker is not greatly misinformed, Mr. Roberts was fully acquainted with; but Mr. Walker can by no means think

think it incumbent on any man to be ready at any time, (*however distant from the origin of a dispute*) to bolster up the character of another, whose conduct in that dispute has justly degraded him from any pretensions to rank as a Gentleman or a Man of Honor. That Mr. Roberts's conduct in the dispute which Mr. Roberts has so *unaccountably forced* himself into with Mr. Walker, has been such, Mr. Walker trusts is the opinion of those who have *only* read Mr. Roberts's *own* statement of the affair; nevertheless, if Mr. Roberts *can prove* what Mr. Walker has been *compelled* by Mr. Roberts to lay before the Public, to be erroneous *even in a single instance*, Mr. Walker will meet Mr. Roberts at any time and place Mr. Roberts may think proper to appoint; but if Mr. Roberts cannot do this, Mr. Roberts must stand convicted of FALSEHOOD before the Public, to whom Mr. Roberts has thought proper to appeal; and in that case Mr. Walker cannot think of reducing himself to a level with Mr. Roberts.

I also give to the Public the following Letters, which are further proofs (if any are necessary) of the *Valour and the Veracity* of Mr. Roberts; after which I shall cease to trouble myself, or to *insult them* about the further attempts of an Adversary, who has shrunk from a private decision, and only ventures on the *Message* he proclaims so triumphantly, after he has *for near a week* made the affair a subject of public conversation; and when he seems to *hope* that the Magistrates may be ready to *second* him in the business.

THOMAS WALKER.

S

Mr.

Mr. WALKER having called upon us to determine whether what Mr. Roberts states as written down by Mr. G. Philips, and himself, last Tuesday Evening, was communicated to him as Mr. Walker's answer—we think it necessary to say, that it was *not* reported as Mr. Walker's Answer; but words to a similar import having been used as a part of a conversation that had passed between Mr. Walker and Mr. George Philips, the Paragraph referred to was written down by Mr. G. Philips, in order to be shewn to Mr. Walker, and submitted to his consideration.

THOMAS JOHNSON,
JOHN PHILIPS, jun.
GEO. PHILIPS.

WHEN I communicated to Mr. Walker the Paragraph above alluded to for his consideration, he immediately objected to it, and gave me the following Answer, which I afterwards delivered to Mr. Roberts.

"Mr. Walker conceives his *first* Letter to be a *full* and *complete* Answer to Mr. Roberts's *last* Letter."

GEO. PHILIPS.

13th. November, 1790.

SIR,

AS MR. ROBERTS, in a Letter published this evening, has expressed in ambiguous terms, some suspicion that I intended to harass him with *legal difficulties*, if he sent me a challenge; and as Mr. Johnson, Mr. John Philips, and yourself, have mentioned in your Letter some part of the conversation which took place between you and me upon Tuesday the ninth inst.—I
desire

desire to know, what was the conversation which I had with you, and whether you related it to Mr. Roberts, in the presence of Mr. Johnson, and Mr. John Philips?

I am, Sir,

Monday Evening,

Your most obedient servant,

Nov. 15, 1790.

THOMAS WALKER.

(Mr. GEORGE PHILIPS.)

SIR,

WHEN I returned to Mr. Roberts's lodgings after having seen you last Tuesday afternoon, I told him that I had read his letter to you. He enquired what answer you had sent. I replied that I had not asked you for one, as I did not understand that an answer was expected. Mr. Roberts not being satisfied with this reply, asked me whether you had not said any thing when the letter was read to you. On my mentioning that a desultory conversation had passed between us, he urged me very strongly to communicate it to him, and I at length complied with reluctance, because I was apprehensive that the communication of it might be an obstacle to my desire of bringing about an amicable accommodation between you. The conversation which I related was to the following effect: I cannot recollect the exact Words which I used—That you conceived no answer was necessary to Mr. Roberts's last letter after the letters which you had written: that your first letter was a sufficient answer to his last; but that you would, if required, give him a bond, or any other security, not to take any legal advantage of him if he sent you a challenge: that if he did send you one, you were ready to meet him that night; and that the sooner the business

was ended, the better, as you did not like, in your situation, to be kept in a state of suspense.

I am, Sir,

MONDAY EVENING,

Yr. mo. obedt. humb. Servt.

NOV. 15TH.

GEO. PHILIPS.

(*Mr. Thos. Walker.*)

I read this letter to Mr. Johnson, and Mr. John Philips, and they both agreed that it contained a fair, and true account of the conversation which I related in their presence to Mr. Roberts.

G. P.

Court. What was the inference you drew, Mr. Chambre, from the Letter of the 15th of November?

Mr. Chambre. It is read principally for the purpose of introducing that Libel which Mr. Walker wrote, containing all the terms of reproach against Mr. Roberts, and charging him with being a Coward, &c. a man with whom no Gentleman could keep company.—A Message was sent by Mr. Roberts to Mr. Walker, by Mr. Swann, after he understood Mr. Walker would not take any legal advantage—then this is a copy of Mr. Walker's answer, delivered by Mr. Richardson—It is avowed by Mr. Walker as his own answer, delivered by his Friend, Mr. Richardson, to Mr. Swann.

Court. Supposed to carry some challenge.

Mr. Chambre. And which is stated in page 17*—That answer is proved to have been delivered to Mr. Swann, and Mr. Walker also publishes it—The subsequent Letters shew, that there was a kind of compromise on foot before that challenge was sent.

* Of the pamphlet published by the Defendant, and in pages 135 to 140, of this publication.

Court.

Court. Then this is an admission that Mr. Roberts had by Mr. Swann sent a challenge.

Mr. Chambre. In consequence of being told by Mr. Walker that he would take no legal advantage, and upon the hints he had received.

Court. How do you prove that?

Mr. Chambre. It is mentioned in the introduction—Mr. George Philips in his Letter to Mr. Walker, which is there published, relates to Mr. Walker what he had communicated—It imports this—That Mr. Walker had signified to Mr. Roberts, by his Friend Mr. Philips, that if he (Mr. Roberts) would send him a challenge, he (Mr. Walker) would take no legal advantage of it.—Then it appears from that publication, that the challenge was sent; and then Mr. Walker returns that paper dated the 15th of November, which I call a gross Libel.

Mr. Law. I desire that Mr. Roberts's publication, to which Mr. Walker's of the 15th of November is a *reply*, may now be read.

*It was read.**

SKILLED as Mr. Walker is, in the art of polishing a story, he has found one too hard for his file.

* The publications not having been read in the order in which they were printed, it may not be improper here to point out the *exact* order in which they appeared.

1st. The Defendant published the Correspondence, &c. from pages 117 to 129.

2dly. Mr. W. published the *same* Correspondence, with the Address, in pages 130 to 132.

3dly. *The Defendant published the Paper beginning, Skilled, &c. as above.*

4thly. Mr. W. published his second and *last* Address, in pages 133 to 140, in *reply* to the above publication of the Defendant, beginning Skilled, &c.

5thly. The Defendant published the POSTING PAPER in page 10.

The

The plain tale which I told him in my first letter, he compleatly admits to be true. He acknowledges his calling for that song, but endeavours to exculpate himself by saying that he called for it as he would for any other song. Had the public been informed, that under colour of a Revolution Dinner, Gentlemen were to be drawn there, and when there, expected to listen patiently to paltry abuse of the Minister, I believe several besides myself would have been content to have remained at home—He strives also to justify himself by throwing blame on some Gentlemen who sat near him—an instance of his candour!—These Gentlemen being wrong, he joins them in being so—an instance of his judgment as a Chairman.

With respect to his behaviour to me, he acknowledges that it was impertinent — We only differ about the species of impertinence. I say it was haughtiness, arrogance—he says, with affected self-complacence, that it was perhaps his *pity* that I excited.

O Mr. Walker, look within yourself, and bestow this kindness where it is truly needed! not on me, to whom, valorous as you have been, you are indebted for some sensations very different from that of *Pity*!

Mr. Walker having thus fully acknowledged all that I complained of in my first Letter, let him again read his answer to that letter, and feel, if he be capable of feeling, which of us it is that has most exposed himself by a want of Reflection. *I do most seriously and solemnly declare before God, and the World, (notwithstanding the injurious Reports to the contrary that are industriously circulated) that his behaviour to me was overbearing, insulting, and haughty, to an extreme degree, and without any other provocation whatever, but my opposition to that Song: I told him this, and instantly*

instantly in his first Letter he throws on me the opprobrious epithet of Falsehood. How I bore this with moderation I know not — He now tells me that he is of so forgiving a disposition that he will forbear to make some remarks on my conduct, which he says, I must be very sensible he would be justified in doing. What Remarks? One only that *I* have heard worth notice — he boasts of his silence in this business, and says that *I* talked of the affair among the Ladies in the Playhouse; let him remember the night on which I did so; he was there; I saw him; it was on Monday night, the 8th of November; on that very day my Letter was returned by him unopened, and where was the impropriety of talking of a Correspondence at the very time that it was printing for public inspection? — As to his own silence, let him examine himself, and he will find, whether his motive was not a wish to smother it altogether.

What other Remarks can he make? this is indeed completing his ill-usage of me! No clue does he afford to guide me to self-examination! No hint to guard myself against the secret shaft — every thing is dark — detraction is beckoned to a feast, and I am exposed to the vague suggestions of calumny and ill-nature, far more dreadful than his utmost violence. — Are these the attacks of a Gentleman, or an Assassin? — Thus, indeed, Stranger as I am, and unsupported by the voice of Friends, I may be truly said to deserve his *pity*, and the *pity* of all others who are not too far misled to perceive the cruel attempts that are made to trample on me.

Mr. Walker, I understand, pacifies himself with the wondrous spirit of his first Letter; if any other comment were necessary, besides the contents of my reply to it, 'tis this — that if he, in one of his sudden paroxysms
of

of Bravery chose to address me like a *Bully*, it did not follow that I was to retort on him like a *Ruffian*—This affair would never have reached the public eye, had he opened my last Letter. I was led to suspect there was some reason for the last Paragraph in that Letter—let Mr. Walker examine that Paragraph, and ask himself, whether his first Letter is any thing like an answer to it—he cannot think so—but as he says so, I have taken him at his word—I have faced that obstacle too.—I sent a Message to him last night by my Friend, between six and seven o’Clock, telling him that I thought myself extremely ill used, and that as I understood the Magistrates were about to interfere, I expected he would meet me at eight o’clock this morning; which Message *now standing unanswered*, will, I trust, stamp a proper impression on his conduct, and entitle him to an epithet or two, besides those I have already conferred on him, which *I have not the venom* to name, but which his own consciousness must supply.

WM. ROBERTS.

Monday, 15th. Nov. 1790.

Court. As far as it goes, every Letter is a Libel, on one side and the other.

Mr. Law. But who was the first both to write and publish?

Thomas Nelson, (sworn)

Examined by Mr. Parke.

Q. You are servant to Mr. Roberts.

A. Yes.

Q. Look at that paper; (*Mr. Walker's publication of the 15th November*) when did you first see that?

A. On

A. On Tuesday the 16th of November, about two o'clock in the afternoon.

Q. Did you get a copy of it at that time, at two o'clock in the afternoon?

A. I did.

Q. About what hour did your Master come home that day?

A. Between five and six in the afternoon.

Q. Did you shew him that paper?

A. I shewed him one the same as this—I gave him one of these papers into his hand.

Q. Did he read it?

A. He read it all—he seemed to be quite agitated and enraged at it—he changed colour, and he said—

Mr. Law. I beg you will hold your tongue about what he said.

Mr. Parke. Never mind what he said—What did he do—Did he write any thing—You have seen the posting paper?

A. Yes.

Q. Did you see any thing about the posting paper at that time?

A. Nothing at all—He took pen and ink, and wrote.

Q. Was that immediately upon his reading that paper?

A. Yes; I gave him the paper into his hand, and he wrote the paper in less than a minute and a half.

Q. Wrote what is called the posting paper?

A. Yes; he read this, and wrote what you call the posting paper, within a minute of each other.

Q. When he had written it, what did he do with it?

A. He gave it to me, and said, I might carry it to the Printer immediately.

T

Q. Did

Q. Did you carry it to the Printer?

A. I did.

Q. When was it given from the Printer's?

A. It might be eight o'clock before they were taken off the press—the eight o'clock bell was ringing.

Thomas Nelson,

Cross examined by Mr. Serjeant Cockell.

Q. Did you wait for any to be printed off?

A. Not then.

Q. You went back again to your Master?

A. Yes.

Q. How soon after did you return to the Printer's?

A. At eight o'clock.

Q. How many did you get at that time?

A. I cannot recollect—I had a quantity of them.

Q. How soon had you disposed of that quantity?

A. I did not observe the time.

Q. The next day?

A. I could have disposed of them soon.

Q. They went off readily?

A. I could have sold them at six-pence a piece.

Q. I hope you did sell one or two?

A. No—but I might have done it.

Q. Did you distribute any the next day?

A. Yes—I might distribute two or three then.

Q. Was your Master in this fit of passion then?

A. I cannot tell—he never said any thing to me.

Q. But you kept posting away?

A. Yes; I thought it was necessary.

Mr. Lambe. He posted two or three the next day.

Mr. Serjeant Cockell. What do you mean by two or three?

A. One,

A. One, two, or three.

Q. Where did you put them up — did you put one up at the Exchange?

A. I never came near the Exchange.

Q. Do you know John Shaw's Punch-house?

A. I do.

Q. Did you put up one there?

A. I dare say I might.

Court. You put one up there, did you?

A. I did.

Mr. *Serjeant Cockell*. By whose order did you put one up at John Shaw's?

A. Nobody ordered me.

Q. Did not your Master order you?

A. He said I was to put the papers up, but he did not say where.

Q. What number in the whole did you post up?

A. No more than three.

Q. Who posted the rest?

A. I cannot recollect.

Q. How many were employed to post these papers?

A. I did not hear any body employed to post.

Q. How many did you give to Mr. Roberts himself?

A. I might give him four or five.

Q. Where did he post those?

A. I never did see him post any.

Q. How long did you continue to distribute these papers?

A. Next morning.

Q. Were they all gone?

A. Yes.

Q. You distributed them away so that you did not keep one for yourself?

A. I do not think I did keep one for myself of those.

One of the Jury. How long was your Master in writing that posting paper?

A. He read this * over first, and I suppose he might read this over, and write the posting paper, in a minute and a half—he was quite enraged.

* Mr. Walker's publication of the 15th. of Nov. 1790, from page 135 to page 140.

The end of the Evidence for the Defendant.

REPLY.

REPLY.

MR. LAW.

MAY IT PLEASE YOUR LORDSHIP—AND YOU GENTLEMEN OF THE JURY—

THE last *miserable effort* that has been made on the other side, is of a piece with all the other evidence they have produced in the course of this cause—for what impression would they endeavour to leave upon your minds by that piece of evidence? They would endeavour to make you believe, that this *foul and mischievous* Libel was the hasty effusion of a rash and inconsiderate moment—and that being once launched into the world, it was out of the power of the Defendant to recall it—That the blame of it only attached upon that single moment; and therefore, that it is to be considered, upon the whole, as extremely venial—or, at any rate, as not calling upon you for very serious correction and punishment.

In God's name, how long is this *momentary* phrensy to be allowed to last? Did it endure *till the third of December*, when Mr. Roberts published the volume of Libels which I hold in my hand? Was it upon him in every recurring instant, in which he busied himself in the dispersion of what he is pleased to call his Posting Paper? Was its violence still unabated, on the morning when Mr. Rawlinson saw him, with his own hand, putting it up against a door in the great street leading to London, where the eye of every traveller might salute

it

it as he passed? These are not sallies of sudden violence, but the regular actings of a *malignant mind* impressed, as it appears, with this purpose, so early as *the first of November* preceding; and which was carried forward, in *regular* and *deliberate* process, from that time to the period of its execution, on *the third of December* following, when the mischief was fully and finally completed by Mr. Roberts's publication of this pamphlet.*

And when, I say, that this effort is like all the rest, in God's name what does the whole scope of their evidence go to? At the utmost it goes only to this—That a Gentleman, wounded by a garbled and partial publication of correspondence, was obliged, for his own necessary vindication, to address himself to the Tribunal of the public, to which he was *dragged* by the wanton and *indecent* appeal of his persecutor.

Who appealed to the public *first*? Did Mr. Walker? No.—In breach of that confidence which subsists, or is supposed to subsist, between man and man, in every correspondence, as I have before said, be it amicable or angry, Mr. Roberts *obtruded* this subject on the notice and attention of the public—And what, after all, is the palliation that is offered for the crime of publishing this Libel, containing, as it does, every opprobrious term that the English language can furnish?—Why the palliation they offer is, That Mr. Walker, in his own defence, after a publication the most insulting that the malice of man could devise, and directly calling upon him for some explanation, does, in his own defence, write a paper, which, under such provocation, I will venture to pronounce the most temperate, and least exceptionable, that any man could possibly have written.

On

* A Pamphlet, dated the 3d. of December, 1790, in which the Defendant *republished* the Correspondence, &c. together with some additional Papers and Remarks.

On the part of Mr. Walker, is it the case of a person coming forward either in the private or public discussion of their differences, with any original or voluntary purpose of degrading or exposing his adversary? If Mr. Walker had the malice in his heart which has been imputed to him, at what period has he shewn it? Was it when he offered Mr. Roberts *any* sort of termination to this business, amicable or hostile, which he pleased?—I do say upon reading this publication, (upon which I shall by and by take the liberty of commenting somewhat in detail) that I cannot find Mr. Walker in any degree blameable, except that he too willingly offered himself to the call of Mr. Roberts, at a time too when I think Mr. Roberts had so conducted himself, as to forfeit, according to the received rules of honour, his right to call upon him at all.—For if I am in any degree rightly instructed and disciplined in questions of this sort, the man who can *pause* and *ruminate* upon an injury, instead of acting upon it—who can be *hot and cold by turns*, and those turns ill timed—who can throw out a challenge when his antagonist does not appear to press forward, and recede from it when he does—who is under the dominion of such trembling ague fits of courage, as the correspondence and evidence which have been laid before you exhibit—has not the courage of a firm man—such conduct looks more like that semblance and mask of courage, which is assumed by those who wish to enjoy the estimation and credit of it, without feeling in their breast the sentiment, or wishing to encounter the peril which attends on the reality.

I am sorry I am obliged, in justice to a Gentleman whose character has been so severely handled as Mr. Walker's has, to comment so harshly as I must do upon the whole of this business.—In good truth, I cannot but consider

consider the collection I hold in my hand as a most unfortunate performance, whether it be considered as an exertion of spirit, or an effort of genius.

It certainly reflects no additional lustre on whatever character Mr. Roberts might before have attained, either for courage or composition.

My learned Friend has stated, that Mr. Roberts is by birth an American, and comes to this country in a considerable degree friendless and unprotected—and he bespeaks your favour and protection for him on this very score.—Let him have every advantage which can be derived from considerations of this sort—but recollect at the same time that your countryman, Mr. Walker, has an equal claim upon your *justice*—To that alone he addresses himself—He does not wish to conciliate your favor, nor, deeming as he ought of himself and you, will he condescend to implore your protection—He lays before you a case of very *aggravated insult and injury*—He demands of you to pronounce who is the assailant—who is the aggressor—*In whose mind was the malice.*—These are the questions you have to try—If these questions can be answered in his favour, it is equally due to your protection as his own, that such injuries should not go unpunished.—And now, if you please, let us look to the beginning of this business.—After all the examination the witnesses have undergone, and the endeavour to bring from them some admission; that an affront was offered by Mr. Walker to Mr. Roberts, on this memorable fifth of November—have our adversaries made out any thing more than this—That Mr. Roberts returned from the chair (where he had received no insult) *damning* Mr. Walker, and using insulting and menacing language to him—that this excited in Mr. Walker a slight degree either of anger or contempt,

contempt, which his countenance expressed, but his words did not—And you observe, *all* the witnesses who are selected by the Defendant, are persons who were at a distance, who might see how Mr. Walker looked—but not one of them, if I recollect rightly, is called to state, or could state what he said.

We have proved by UNEXCEPTIONABLE TESTIMONY—
We have proved by the testimony of Mr. Lloyd, what Mr. Walker did in fact say—That he merely desired Mr. Roberts not to address him by the title of Boroughreeve—and as to his being angered—who would not be angry when crossed in such an assembly, by a respectable friend?—Mr. Philips's conduct did convey to Mr. Walker's mind, that he supposed him capable of making the situation in which he was placed at a public festive meeting, meanly subservient to the purposes of party; and if Mr. Walker did feel and express some anger at that moment, and under that persuasion, his friend will forgive it as he ought—because he would not be worthy of his friendship if he did not so feel, and if that feeling had not called forth a correspondent warmth of expression on such an occasion.

“ If,” Mr. Walker might fairly say, “ he supposes
“ I can pervert a Meeting, convened for mere general
“ purposes, into an instrument of party, or render the
“ utterance of very mirth and festivity the vehicle of
“ party abuse, he judges of me meanly—and I am
“ warranted in resenting this opinion in a Friend, who,
“ from many years acquaintance, ought to have known
“ me better.”—In that situation, and whilst his countenance yet bore the impression of that vexation which his mind felt, Mr. Roberts came up to him addressing him foolishly enough by the name of Boroughreeve—He applies to himself the sentiment, be it what it might,

U

which

which Mr. Walker's countenance expressed.—If he had been right in so applying it, was it a sufficient ground to warrant Mr. Roberts in calling him out to duel—or Mr. Walker in encountering the risk of his own life, and the well-being of a large family, deeply interested in the continuance of that life.—But I appeal to you, whether this *first* Letter of Mr. Roberts's does not mean, or would not be ordinarily understood to mean, a challenge—at least I am sure, that any man who laboured under no constitutional indisposition to answer a call to the field, would so consider it.

I put it to every man who is at all conversant with the language which passes between men of honour upon such occasions, when a man tells me flatly that I am *guilty of FOLLY and IMPERTINENCE*—when he writes me a Letter detailing the circumstances of that supposed folly and impertinence—when he charges me with haughtiness and arrogance into the bargain, and complains that I have *disgraced* the Chair of a Meeting at which I presided—whether I need be very captious to consider a letter of this sort as a challenge.—It is a challenge in any case—in this it was meant to have the *semblance* of one at least, to serve as an *experiment* of Mr. Walker's courage, and if the *experiment* answered the *wishes* of the projector, to become the means of effecting his *declared purpose* of lowering a Gentleman, whose character, talents and popularity had long been offensive to him.—You recollect, I dare say, what Mr. Roberts told Mr. Milne and Mr. Hikon—That he would affront Mr. Walker—that there was no man in England he wished so much to affront and quarrel with as Mr. Walker.—With a mind thus *pre-disposed*, you observe, he goes to the Meeting on the fifth of November.

But,

But it is stated, that there had been some difference at a meeting at the Infirmary—So far from its being the fact that Mr. Walker had a difference with Mr. Roberts at the Midsummer Meeting, *Mr. Walker was not even in Manchester—He was in London upon the very day on which the Midsummer Meeting was held.*—I desire my Lord will have the goodness to ask Mr. Hilton whether Mr. Walker was at that Midsummer Meeting.

Mr. Law. Mr. Hilton, Was Mr. Walker at the Infirmary Meeting at Midsummer last?

Mr. Hilton. He was not.

Mr. Law. Gentlemen—My learned Friend, in his address to you, *pressed upon you, that there had been a quarrel at the Midsummer meeting*—that Mr. Hilton did not know what had *then* passed, but that what *then* passed had *in fact* been the cause of the subsequent difference and disgust between the parties.

Court. Mr. Hilton said, Mr. Roberts asked him if he recollected any thing of Mr. Walker using him ill at the prior Board, that is the Midsummer Board—He told him, he did recollect Mr. Walker said something to him, but he did not recollect the exact words.

Mr. Hilton. It was at the usual quarterly Board at Michaelmas last, upon the 23d of September; there was a special Board upon the fourth of November following.

Mr. Law. Gentlemen—You see, therefore, that there was *no quarrel or offence* at this Midsummer Board, where my learned Friend said Mr. Roberts might have received an insult, and which had been brooding in his bosom all that time—But we have Mr. LLOYD's and Mr. Hilton's evidence, that nothing ever passed at the Michaelmas Board that could excite the least degree of difference between any rational beings; and we have it also *in evidence*, that Mr. Roberts did *in fact* harbour in his bosom an

inveterate rooted animosity against Mr. Walker, with a *pre-determination* to quarrel with and challenge him, whenever any opportunity should occur for so doing.—Then, harbouring this purpose, he came to this Meeting on the fifth of November—a Meeting to which he should have gone with far other dispositions, than those which he carried about him—but so it was, as the Poet says of the first great disturber of human happiness, and of his baneful visit to this world—

“Thither, full fraught with mischievous intent,

“Accurs’d, and in a curst hour he hies.”

Being there arrived, was there any thing in the proposition of the song that should have offended him, on the part of Mr. Walker? Was it called for on his suggestion? If it had been so, and he had known that Mr. Roberts had previously made an objection to its being sung—or if he knew that it was likely to give him or any other individual in company offence, Mr. Walker would in that case have done wrong, and would have been so far the aggressor—but instead of that, *you have it in evidence*, that Mr. Wood and several other Gentlemen intimated their wish for this song—that in compliance with that wish Mr. Taylor was called upon to sing it—that Mr. Walker acted merely officially, as Chairman, in desiring Mr. Taylor to sing it—and when he found that it was disagreeable to any of the Company, he gave way, another song was sung, and so far was he from persisting, that, though pressed by many Gentlemen to call for the song again, he positively refused to do so, and the harmony of the company appeared to be fully restored—Mr. Walker, however, certainly felt some displeasure at his friend Mr. Philips, on the ground I have before stated—certainly not on the ground of any party differences between them; for each of these Gentlemen is described to me as attached to the same description of political persons.

Now

Now as Mr. Walker neither did nor said any thing which could reasonably offend Mr. Roberts, the alledged occasion of offence must be a mere pretext, and a colour for the quarrel he sought. He retires from the meeting, and then pens that very angry, unprovoked, and reprehensible letter, which I shall now state—It is prefaced with this observation—"It is a painful duty that I owe
 "to myself, to be under the necessity of intruding on
 "the public a correspondence, which ought not to have
 "extended beyond the knowledge of the parties themselves, or their particular Friends."

Then why was it so extended? What assignable reason of duty to himself, could provoke or warrant the intrusion on the public? What necessity was there, at the moment of its publication, that the world should be acquainted with any part of this correspondence? Who called upon him for it? What and whose passions were to be gratified by it? principally, I believe, if not solely, his own—his own prurience for the press—a vain taste for literary distinction, as it should seem: or perhaps a wish to attain a certain degree of political consequence in the town of Manchester.—The only reason he alledges, for the publication, is, that one of his letters was returned unopened; and as he professes a wish to prevent misrepresentation, he admits that he had not then suffered any inconvenience on that head.

The first of his letters, dated the fifth of November, 1790, commences thus—Read it, and see if you can possibly ascribe it to any other motive, than the desire of a quarrel.—He says—"I have this instant
 "returned from a dinner, intended to celebrate the
 "Anniversary of the glorious Revolution. I went
 "to it with those ideas which that great event nat-
 "urally

"turally suggests"—After proceeding a little farther, he says,—“ But what was my surprise, when soon after “ the cloth was removed”—Here we have the precise time, upon Mr. Roberts’s own statement, when the dispute arose—They were certainly not then intoxicated—many hours certainly had not then passed—for Mr. Roberts himself states it to be soon after the cloth was removed—“ but what was my surprise, when, soon after “ the cloth was removed, at a meeting solely intended “ to commemorate the *Æra*, when the true principles “ of Liberty were established—what was my surprise “ to hear you, Sir, the Chairman of that Meeting, “ vociferating for a song on “ Billy Pitt the Tory” “ —Not a moment’s reflection was required, to discern the “ dishonour which at that instant obscured the Chair.” “ I rose, and objected to such a song being sung—I was “ seconded by a Gentleman, to his great honour, whose “ political sentiments I believe coincide with your own. “ The inconsistency, the absurdity of such a request, at “ a meeting commemorating so happy an event, was I believe felt by the company, and the Gentleman who was “ called upon for the song on “ Billy Pitt the Tory,” gave “ you a proper reprehension in substituting one calculated “ to swell the hearts of Englishmen with patriotic enthusiasm, viz. “ Britannia rules the Waves.”—This ended, “ I left my seat, and intended to have spoken to you with “ politeness and civility on what had passed—But unfortunately I addressed you by the appellation of Borough-reeve—that title you thought a reproach, and with a “ look of anger, haughtiness and arrogance, you stopped “ me by saying, “ I am no Boroughreeve here.” This “ anger, this haughtiness, this arrogance, I did not think “ I merited; although I perceived it was boiling in your “ breast—It was my wish to have appeased it; you are not
 of

“ of a temper to brook controul, or to forgive it: but
 “ I will not trouble myself about the ingredients which
 “ compose your temper, I tremble not at its fiercest blasts—
 “ In this instance I must take the liberty of telling you
 “ that as a Chairman *you* have acted with *FOLLY*; that as
 “ a Gentleman, I have received from you *IMPERTINENCE*
 “ unprovoked.”

WM. ROBERTS.

Friday Evening, 5th. Nov. 1790.

No. 14, Piccadilly.

Now, Gentlemen, here are two *grievous affronts*—first, in words, by Mr. Walker’s telling him “he was no Boroughreeve there”—and secondly, by an angry look, accompanying those words—but I should have thought Mr. Roberts had sufficiently avenged both these most atrocious and poignant injuries on the spot; for, you remember, Mr. Lloyd has told you that he threatened Mr. Walker, that he would never honor him with that or any other respectable appellation in future—that he swore at him, and told him, he should hear from him—In all which particulars he afterwards, but too faithfully, kept the letter of his promise.—It is in the moment, you will observe, when this language is uttered by Mr. Roberts, that Mr. Seddon sees and speaks to the countenance of Mr. Walker; and it is natural enough, that at such a moment, it should express some sensations of displeasure and anger.—I pray you, Gentlemen, what right, or rather what excuse has any man, under circumstances of the sort I have stated, to sit down in his closet, and pen a paper of the offensive and provoking complexion of his first letter, which I dare say was written a little more gravely, and at leisure, than that loose thing which his servant has just spoken

spoken to, and which cost him but a minute and a half in writing—though I do not think that this, his more deliberate composition, does very great credit to his pen. The letter charges Mr. Walker with inconsistency and absurdity.—Where do we find them in his conduct on this occasion? He was the mere voice and instrument of the pleasure of the Company—and it is stated, that if a question had been put upon the propriety of singing this very song, the majority would unquestionably have approved it—So far, therefore, he did as became him, in consulting, or rather meeting, what seemed to be the wish of the Company.—There is no absurdity in this—no inconsistency with himself, or with his duty as Chairman.—But does it appear, that after there had been a dislike manifested by some Individuals of the Company to this song, (and to which expressed dislike he was called upon, by the same duty, to accommodate himself in some degree) that he persisted in it? No—Mr. Seddon has told you he did not persist in it—another song was immediately sung, and harmony was completely restored.—Therefore, what reason was there for Mr. Roberts to retire as he did to his Closet, and charge Mr. Walker with inconsistency and absurdity in this transaction.—As to the anger, haughtiness, and arrogance, supposed to be couched under his declaration “that he was no Boroughreeve there,” I own I am at a loss to find them, or any thing which bears an appearance of the sort.

If Mr. Walker had about him all the hauteur that Mr. Roberts imputes to him, could not he have spoken something contemptuous, as well as looked it? The expression too that was conveyed in his look is, you observe, collected by a Gentleman at a considerable distance from Mr. Walker—Was there a word that fell from

from him, that could furnish a provocation to a man who was not fore even to madness? I beg your pardon for troubling you again with the conclusion of this letter—He says, “I will not trouble myself about the ingredients which compose your temper—I tremble not at its fiercest blasts—In this instance I must take the liberty of telling you, that as a Chairman you have acted with FOLLY—that as a Gentleman, I have received from you IMPERTINENCE unprovoked.”

Now, I believe, every person who is at all conversant with the world, and with the terms of offence which are most apt to irritate the feelings of Gentlemen, knows, that there is not a word that is more pregnant with offence, or more characteristic of contempt, than the word IMPERTINENCE—Here at once, without having received one uncivil or disrespectful word from Mr. Walker—without any thing that is capable of being so distorted or misunderstood—but for a *single look* of this Gentleman, is he to be insulted with a letter like that we are considering—reproaching him with the supposed fierceness and violence of his temper—charging him with *folly, with impertinence, and with having disgraced his situation*. Is a Gentleman to receive such a Letter and Challenge (for such in effect it is) merely because he has not *looked* to the liking of another person who chooses to look at him?—It is truly such a *penalty upon looks*, that every man who is not sure of the unexceptionable suavity of his own, should hereafter, upon Mr. Roberts's principle, in common prudence *wear a mask*.

Upon this letter, and on the facts I have stated, I charge Mr. Roberts with being, up to this period, *the single and entire Offender*—and in no subsequent period of their dispute has Mr. Walker been *voluntarily* offensive

to him, or done more than he was in the instant, and upon the occasion, *compelled to do, dragged forward* as he was to public and private observation—I will not, to men of your discernment, attempt to say that this letter imports any thing, but what you, upon reading it, must most naturally and obviously collect from it—Mr. Walker understood himself to be insulted—he understood himself to be in effect challenged—but being, as he states, in a different situation from Mr. Roberts—having claims and demands upon him—claims of his family for protection, comfort and support—having a situation and stake in Society, which Mr. Roberts has not—he said, and justly said—Though I won't subject myself to disgrace, according to the modern principles of the world, by withholding myself from your call—I will not be the person to call upon you—Tell me only that you demand me, and I will come forth—I admit it was on his part (blameable as this admission may make him) a tender of himself, to the sort of conflict to which Mr. Roberts's letter seems to invite him—His answer is—

“ Your Letter of yesterday I received too late to answer last night—My conduct as Chairman was strictly proper.”—My learned Friend says, that is still speaking with a degree of arrogance, in asserting that his own conduct was proper—Is Mr. Walker not to be allowed the liberty of self-justification?—Is Mr. Roberts, to hurl at his head, at pleasure, the term Fool—Is he to say that he behaved with *impertinence unprovoked*, and that he disgraced himself as a Gentleman by his conduct in the Chair—and is it not to be allowed Mr. Walker to say in his defence, that he behaved with propriety?

“ My conduct as Chairman was strictly proper—If you are dissatisfied with it, I will immediately justify it,

“ it, in whatever manner you please— and considering
 “ the difference between your situation and mine”—
 a difference I have already explained—“ It would, I
 “ conceive, be highly improper in me, to take any
 “ other notice of the absurdity of your conduct, or
 “ of the folly and falsehood of your letter, unless called
 “ upon by you.”

Was not Mr. Walker warranted in the use of these
 expressions—and was it not, to speak plainly, *foolish* in
 Mr. Roberts in the extreme, thus to write a letter,
 importing a challenge, to a man who had given him
 no previous offence? and was it not *false* to state that
 Mr. Walker had done so?—Have not you heard the
 evidence of Mr. Lloyd upon that subject—Who in
 fact had given offence?—the man who swore at the
 other, and told him he should hear from him; or the man,
 who, by this petulance and abuse, was provoked to an
 answer of no more acrimony than “ It is very well ?”

The only provocation (if provocation you can call
 it) amounts merely to this— That when he was called
 “ Mr. Boroughreeve,” he desired Mr. Roberts not
 to call him by that appellation in that place—and therefore
 I cannot help saying, that the letter was in good truth
 both foolish and false, and that Mr. Walker did more
 than enough in offering to attend his call—for there are
 cases, in which one man may take up an affront so
 captiously, that another, though justly jealous of his
 honour, may well enough decline the tender of his person.
 —I believe there are men, on whose character neither
 stain nor imputation was ever thrown, who have ven-
 tured to content themselves with retorting wanton
 abuse, and boyish insolence, with grave and silent
 contempt, without taking other or further notice of it—
 leaving the vindication of their fame, as they safely

might, to the Society in which they had lived, and in which they had earned characters as men of sense, consistency, and courage.

I will take up this business in every period of it, and will beg of you, in every stage of the proceeding, to weigh *all* the circumstances, and to see where Mr. Walker has been wrong.—I say he is only wrong, if even there I can call him so, in appearing at all before that tribunal of the public, to which his adversary had *wantonly* and *petulantly* called him.—But if a person chooses to publish of another a tale of slander, is he to let it pass current through the world, without opposing any sort of answer to it? I am afraid this is too much to expect from human infirmity.

The next letter shews, that Mr. Roberts had found Mr. Walker more ready than he wished—and though I think his first letter is as direct and intelligible, in the way of challenge, as any letter for the purpose can be—yet, when he found that Mr. Walker was ready to attend his call—when it should be formally and particularly made—though from the duty he owed his family, and the public, he would not be the first to make that call—what does Mr. Roberts do? He writes a long sermon upon duelling; upon the violation of the laws of God and man, and the odium and guilt of terminating differences by personal combat.—He now seems to abandon any wish, at least for *such a mode* of decision.—“I was perfectly satisfied,” says he, “with the reparation I gave myself, when I informed you of my opinion of your conduct as a Chairman, and of your improper and ungentleman-like warmth towards me as an individual.—I did not feel sufficient provocation to justify a violation of Laws, which you seem to despise”—And afterwards—“You at the Revolution dinner did
“and

“and said that with which I was dissatisfied;” but not
 “in such a degree as to justify an appeal to the decision
 “which rose in your mind, and to which you desire to
 “throw on me both the odium and guilt of resorting.”
 He seems now to speak the language of good order, religion, and morality—he treats Mr. Walker as a wanton challenger, merely because he understood his letter as every other man who read it must do, and because that idea rose in his mind which the letter was *evidently meant to suggest*—Will Mr. Roberts venture to re-affert what he has in effect said in this letter, that he did not mean to suggest any idea of a Challenge to the mind of Mr. Walker by the language he has used in this letter—I hope he will not—He proceeds to say, “Your conduct
 “as Chairman you assert was *strictly proper*—I acknowledge it was so, while you submitted to be guided
 “by the paper from which you proclaimed the toasts
 “with so much credit to yourself.”

Now to what does this miserable charge amount? That either having exhausted his paper of toasts, he took others from his Friends who sat around him, or suggested such as he thought would be acceptable, from his own imagination at the time! What *miserable trash* is this to be the subject of a letter at all—much more of one upon which an Issue of Life or Death is to be joined—upon which it might depend, whether *a wife should become a widow, or children fatherless*.—He then goes on—
 “but losing sight of that guide, you in an instant lost
 “yourself—forgot the intention of the Meeting, which
 “every wise and good man of every party of the present day must approve, and, blinded by a zeal too un-
 “steady to behold events or things, and calculated only
 “for the abuse and attack of persons, you cried out for
 the

"the Song on, "Billy Pitt the Tory," and afterwards "treated me with a piece of petty impertinence."

Mr. Roberts really has not been well instructed in the School of Honor, for he does not know the weight of the expressions he lets fall—he does not know what it is to style a Gentleman guilty of *folly and impertinence*—all which charges and imputations he throws about him, with the most wanton carelessness and indifference. Then he goes on with a long history of his situation, and other matters, part of which I have read before.—"God forbid that I should be incapable of feeling the immense difference between our situations, in that respect"—alluding to Mr. Walker's situation as a Husband and a Father.—"I hope, therefore, I pay a sufficient attention to that, when I sum up all I have to say, thus:—You at the Revolution dinner did and said that with which I was dissatisfied—but not in such a degree as to justify an Appeal to the decision which rose in your mind, and to which you desire to throw on me both the odium and the guilt of resorting. If my Letter charged you falsely, as you say it did, it was your business to disprove it, and defend yourself like a rational being, or like an irrational one—in either way, therefore, I am ready to meet you—the choice lies with yourself."

Now you observe, Mr. Roberts disclaims, and I again put his credit with you for *consistency and veracity* on the truth of that disclaimer—he disclaims by this the existence of any purpose in his mind, at the time of writing his first letter, of *proposing or even intimating* a challenge to Mr. Walker—If Mr. Walker had made no answer to this letter, would not Mr. Roberts have held out this very letter to the world as an unequivocal challenge?—for has not Mr. Hilton, upon his oath, declared, that

that on Saturday the 6th of November, the day after the Revolution Dinner, Mr. Roberts told him, that if Mr. Walker did not send him a Challenge, (which he could only expect in consequence of the first Letter he wrote to Mr. Walker) that he would *blow him*, and *advertise him in the London papers*, let the expence be what it would—Then how can Mr. Roberts mean to say, or saying, *expect to be believed*, that this letter had no such import; and with what colour of truth or probability does he endeavour to lay upon Mr. Walker the guilt and impropriety of first suggesting a resort to this mode of decision? If it did not lead to that, it led to nothing.—I beg you to attend to this letter, and see if it was possible to mistake its meaning; or, understanding it, can you say that any letter could be conceived in a more proper and temperate manner, than the one is which I am about to read to you, and which was written by Mr. Walker in answer to the second letter of Mr. Roberts, in which he attempts to put that false gloss upon his first letter, which I trust I have already detected.

“ Sir — I find that you neither know me nor my principles — Had you written to me like a rational being, as such I had answered you; and had I either injured you, or meant to have injured you, I would have called upon you before this.”

If I had meant to be the Assailant, I should not have given you the option of calling upon me—but if I had meant you ill, as you seem to have meant me, I should have called upon you at once—“but having done neither, and conceiving myself”—I beg you will observe the moderation and temper with which Mr. Walker treats him, after he has declined the offer Mr. Walker had made him—“and conceiving myself to have been
“ extremely ill treated by you, I certainly cannot call
“ upon

"upon you—but as I have given you one option, I
 "will give you another—to call upon me."—This, my
 Friend says, he cannot understand. It evidently imports
 an invitation to meet, for the purpose of rational dis-
 cussion, and an amicable termination of the difference
 between them—for he goes on and says, "When, I
 "have no doubt, I shall convince you, not only how much
 "you have been mistaken, but how much injustice you
 "have done me."

This is, in my judgment, clearly an overture to-
 wards a termination of their dispute, either by the
 mediation of Friends, or by such fair discussion as might
 properly pass between the parties themselves—and
 certainly Mr. Walker, whatever hostile purpose he
 had conceived before this time, then harboured none—
 he plainly points at a rational, if not an amicable
 adjustment of their difference—he meant, he says, to
 shew him that he had done him injustice—You
 thought (Mr. Walker might add) I meant to insult
 you at the Meeting—I meant no such thing—You
 conceived that the anger in my looks was directed at
 you—I meant it at my Friend George Phillips—he him-
 self shall come and tell you what has passed between
 him and me on that subject—I will open every thing to
 you—I mean, if possible, to bring you to a right under-
 standing with yourself and me."—In no other way
 can this letter be fairly understood.

Does Mr. Roberts receive this letter in terms of equal
 courtesy and liberality? No—Finding Mr. Walker
 now held the language of peace and conciliation, he
 thought it a fit time to change his tone, and to become
 once more *flippan*t and rude—I don't like to use these
 expressions, but I cannot help them, when I am com-
 menting.

menting on such conduct and correspondence as this—
 “ I have no objection to meet you—appoint a place and
 “ time of meeting, if you please—whenever you think
 “ proper, and wherever, except at your own house—
 “ Two or three Gentlemen I wish to be present, and
 “ these I leave to your own selection—but if at this
 “ meeting”——Now, instead of *avoiding*, as Mr. Walker
 had done, every subject of irritation in his letter—for
 you observe that Mr. Walker had not, in his last, said a
 word that touched on the particular subject of their
 dispute—he says, “ *but if at this meeting you expect to*
 “ *alter my opinion of the impropriety of calling for that*
 “ *song, and of the indecency of that haughtiness of carriage*
 “ *which you afterwards assumed towards me, because I objected*
 “ *to it, we may save ourselves the trouble of attending.*”

Is this a becoming answer to a letter written by Mr.
 Walker, in which he had waved any hostile purpose,
 and acceded to the first intimation of peaceable, and
 perhaps amicable, adjustment — He says, If you will
 call upon me, I will shew you that you have injured and
 mistaken me—Instead of that, Mr. Roberts says, *If you*
mean to convince me of that, you are mistaken—you can never
convince me of any such thing——I must always entertain
 the same idea of the indecency and the haughtiness of
 that carriage—and so he repeats the old ground of objec-
 tion over again.

If I had not seen Mr. Walker's answer to this letter,
 I should certainly have fallen upon the very same ground
 of explanation which he has—If I talk of war, you
 talk of peace—If I talk of peace, you return me provo-
 cation and insult.—The letter that Mr. Walker wrote
 in answer, I think is incapable of being distorted and
 misapplied, in the manner in which my Friend has at-
 tempted to distort and misapply it,

Y

“ Sir,

“ Sir, You are so very dull of comprehension, or so “very fond of misinterpretation (or perhaps both) that “I shall give myself no more trouble about you.”— Perhaps Mr. Walker did wrong in giving him any answer at all: for I think, after the *slippant return* he made to the very handsome letter Mr. Walker had just before written to him, Mr. Walker would have done well to have there *closed* his correspondence with him *for ever*—He carried it one stage further than in prudence and fair justice to his own feelings and character he need have done. It was, however, the *last* letter he wrote to him, declaring, as he well might, that he meant to trouble himself no further about him, after challenges retracted, and courtesy and liberality ill requited by insult, and the repetition of stale and unfounded abuse. —At this period Mr. Roberts sent that letter which Mr. Walker returned to him unopened—and tell me, Gentlemen, if thus circumstanced, you would not have done the same. Let us pause for a moment, and ask ourselves, is there hitherto any insult to be found on the part of Mr. Walker? Did he quarrel with Mr. Roberts at the meeting? Did he harbour in his breast any malignant purpose prior to the Meeting? (both of which are imputable to Mr. Roberts)—No—Was not the letter Mr. Walker wrote, such a letter as a man of spirit would write?

He is only so far blameable in regard to the Laws of his Country, that under the irritation of these insults, he acceded to the call of his Adversary. What does Mr. Roberts do? Does he repeat, enforce, and carry into effect that call? No—he denies he ever made it; he *misconstrues his own Letter*, and misunderstands Mr. Walker’s—therefore, I must say, the imputation of any thing like the want of proper spirit, comes with a peculiarly ill grace from a Gentleman, who could so grossly misunderstand,

misunderstand, or misrepresent his own clear language, in which he had offered battle, and Mr. Walker's equally explicit language in which he had accepted it. After this acceptance of a challenge on the part of Mr. Walker, *he would in vain have applied to the criminal justice of his Country, for the purpose of instituting any prosecution against Mr. Roberts for that challenge, if he had even been so inclined; but which he never was*—therefore, every apprehension of this sort, which the Counsel of Mr. Roberts have thought fit to suggest as a colour for his conduct, is wholly without foundation.—After Mr. Walker's *first* letter, it was perfectly secure to Mr. Roberts, to have written to Mr. Walker in the *broadest terms* on the subject of duel—for Mr. Roberts well knew, that Mr. Walker could not (I will use part of his own words in the letter returned unopened) “fly to the laws of his Country, to punish a violation of them which” he had avowed himself ready to accede to—Mr. Walker, therefore, having couched his offer of battle, if I may so call it, in *clear and unequivocal terms*, the doors of every Court of Criminal Justice were *shut* against him on that subject—Mr. Walker was, therefore, well warranted in saying, *My first letter is an answer to your last*—the letter which he returned unopened, and which, upon referring to it afterwards, did, I admit, appear to import something like an invitation to battle. Mr. Walker's first letter was in effect this—I am ready to attend whenever you call me—whatever correspondence Mr. Roberts trailed on after this, was idle and womanish. The quarrel ceased, after this, to be conducted on the part of Mr. Roberts, in the way in which men *who really mean to meet in the field*, do conduct themselves. The *essential* business of the dispute was *closed*, and had come to its complete issue upon Mr. Walker's *first* letter, *if Mr. Roberts had been so disposed*.

I now return to Mr. Walker's third letter, in which he tells Mr. Roberts “he was so dull of comprehension, or

"so fond of misinterpretation, that he would give himself
 "no further trouble about him."—I think he would have
 done well to have abided unalterably by this purpose—to
 have suffered no subsequent messages or conversations to
 lead him from it, or to induce him to say, as I think he
 did improperly, in his message by Mr. Philips, That he
 was ready to meet Mr. Roberts that evening. If you
 will refer to the letter of Mr. George Philips, you will
 see that at the time Mr. George Philips and he discussed
 the subject together, Mr. Walker communicated by Mr.
 Philips a message, as *unequivocal* and *clear* as could be
 conveyed to the understanding of any man, who had the
 least desire of going to the field with him.—Mr. Walker
 likewise told Mr. Philips, "The sooner the business is
 "ended the better—as I do not like in my situation to be
 "kept in suspense."

In this letter Mr. George Philips states, that he had
 the Tuesday after the Revolution Meeting communicated
 to Mr. Roberts, as the determination of Mr. Walker,
 that he was ready to meet him, if he chose to go out *that*
night—but that he did not like to lead a life of suspense.
 —Am I, Mr. Walker might say, to be continually wait-
 ing the ebbing and flowing of Mr. Roberts's courage—he is
 not ready on Tuesday—am I to be ready on Sunday,
 to be caparisoned with my beaver on, ready to march
 out and give him battle, whenever he may feel the fit
 of valour upon him.—Upon my word it is too foolish.
 —My Friend says Mr. Roberts has not resided long in
 England—I should think he had but newly come into
 the world, so little does he know of men and manners.

Is it to be expected that a Gentleman for *nine days together*
 (for it is from Saturday the *sixth* down to Sunday the *four-*
teenth) is to be waiting this ebbing and flowing of another's
 courage?—that he is to be waiting thus, to know when
 it may be his pleasure to cut him off from society, his
 family

family and friends, for ever? Mr. Walker did wrong to proceed further, after the letter of Mr. Roberts in answer to his second letter—But this is not the sort of conclusion, it seems, that Mr. Roberts wanted to bring it to—he wanted to have it the talk of card tables, and the prattle of the play-house—on the next night it is stated by himself (if I do not mistake, and I am sure I would not willingly mistake him)—he talks of the affair amongst Ladies at the play-house—it is in the 16th page of his own publication—“ Let him remember,” he says, “ the night on which I did so—he was there—I saw him—it was on Monday night the 8th of November—on that very day my letter was returned by him unopened; and where was the impropriety of talking of a correspondence, at the very time that it was printing for public inspection?”

Why was it printing for public inspection? Had Mr. Walker given his leave, that the matter, in the imperfect state in which it stood between them, should be divulged, and the public made parties to it? I lay my finger upon this, as a circumstance *full of dishonour and full of danger* to private happiness and safety—that a man should divulge my letters—should state publicly what has been passing between him and me in private, and make it, *without my consent*, the Town talk, or the talk of a still more enlarged circle.—It is not manly—it is not honorable.—It is a gross and shameful violation of the implied trust and confidence, that belongs to this species of communication between man and man.

“ He was there—I saw him at the Play-house.”—If his anger was then sufficiently warm, he might have waited for him at the door, or have overtaken him in his return home, or, after he had done the Ladies the courtesy of seeing them home, he might have called upon Mr.
Walker

Walker at his house—but the *hot fit* was not, it should seem, then upon him—he grows cool at the sight of his adversary.—I must say there is as little pretence to any kind of Justice in his complaints against Mr. Walker, as there is to that superior degree of courage to which he chooses to put in his claim.—I do not deny, however, that he has a proper share of another perhaps as useful a virtue—I mean the virtue of prudence.

But why is he so fond of wearing his cockade in this way? Why will he not be contented with the sober garb of his own profession? Why will he be perpetually strutting out thus, *en militaire*?—He *saw* his Adversary—When will your blood be most likely to boil? I should think, when you *see* your Enemy, and have him within your grasp.—Is that the case with Mr. Roberts? No—that is the moment of all others, when he chooses to *babble to the Women* about his honour, his anger, his valour, and his revenge.—About this same period, I believe, it is, that he talks of the business at Card tables, and that so indelicately, as to nauseate Mr. Whittaker, a Gentleman who (as he has himself told you) had the misfortune to make one of the party.—This conduct of Mr. Roberts is as ridiculous as any thing which Shakespeare has left us, of the vaunting valour of a Pistol or a Falstaff.—It is as disgusting as the abominable trash with which our News-papers have been lately infested, by a set of wretches with whom the public should only have become acquainted, through the medium of an Old Bailey Chronicle.

This arises from a perfect misunderstanding of what belongs to honor, and of what should be in the heart of every man of honor—*Men of honor don't prattle on occasions of this sort—they don't tell the Ladies that they are going to fight a duel—they don't lay a train for the interposi-*
tion

tion of the Civil Magistrate—they do not cool when they see their Adversary, and grow angry when he is away from them—and yet all these seem to be the distinguishing marks of Mr. Roberts's courage.

Mr. Roberts, as I have already stated, sends another letter to Mr. Walker, which letter Mr. Walker finding to contain a frivolous detail of petty insults and affronts, and tending neither to an hostile or amicable termination of their difference, very wisely says, there is an end of all correspondence between us—Mr. Roberts's next letter is sent back unopened—Mr. Roberts afterwards desires it may be read to Mr. Walker—it is read to him—what does Mr. Walker say to this—why, he says, in effect we have not advanced one step *yet*: my *first* letter was an answer to all this—I said then, that I was ready to meet Mr. Roberts; if he was equally ready, why did he not so reply to me? And indeed in saying that he did not like to be kept in suspense on such a subject, to harbour for ever in his mind a train of gloomy and unpleasant ideas (for gloomy and unpleasant they undoubtedly are to the mind of any man, who has the least sense of social affection or moral duty)—what does he say, but what every feeling and reasonable man is ready to say with him? for I put it to you, Gentlemen, who can sit with tolerable comfort at his table, or retire with any prospect of ease to his pillow, when he is reflecting all the time, that at the end of four days he will have to act his part in a business, which may have the event of severing him from his family, his friends, and from every other endearment of human life? It is hardly possible, I think, for a good or a thinking man to keep such a subject under his contemplation four whole days together, without feeling an extraordinary degree of agitation, and some degree of compunction also on the occasion—and therefore Mr.

Walker,

Walker, conceiving it not to be a subject fit and proper to be long deferred, but as a purpose from which his reason and his affections might possibly recall him, chuses not to leave time for them to act upon the subject—he says, I will meet you directly—let not to-morrow's sun dawn upon this business.—At this period, (*Tuesday*) and in answer to this Message, I look in vain for the boasted alacrity of his antagonist—a pause ensues, and we hear no more of Mr. Roberts till *Sunday Evening*, when he sent his Message by Mr. Swann—Upon my word, if a man were to use me thus, I certainly would not fight him, but very probably I should do something *else*—I should beat him—for it is arrant trifling with the claims and pretensions of a man of chivalry, to *pause for nine whole days together*, before he can bring himself up to the feat of *ever* throwing down his gauntlet;

Mr. Walker, after the receipt of Mr. Roberts's third letter, ought to have had no further communication with him, but to have considered him as beneath his notice—however, galled as he was by the subsequent publication of the correspondence, prefaced as you have heard—Galled, I say, by this publication, Mr. Walker with reluctance came to the bar of the public, and thus injured, insulted, and provoked; thus made the butt and object of *pre-conceived and unabating rancour* for so long a period of time, Mr. Walker publishes this his first address, and I ask you, is the language proper and temperate, or not?

“ I know nothing more disagreeable, than for individuals to obtrude their private differences upon the attention of the public—but from the very wanton and unprovoked manner in which I have been attacked by Mr. Roberts, and from his *first* making such an appeal, I am willing to hope that the public
“ will

" will not think me a wilful trespasser upon their time,
 " in stating to them a few plain FACTS.

" At the dinner upon Friday the fifth instant, for
 " commemorating the Glorious Revolution of 1688, I had
 " the honour to give the toasts.—After many had been
 " drank, and several catches and glees, and two or three
 " songs sung, I was requested by Mr. Wood to call
 " upon Mr. Taylor for the song of "Billy Pitt the Tory,"
 " in which request Mr. Wood was joined by most, if
 " not all the Gentlemen who sat near me."

Is this true? You have heard it *verified by the testimony*
of a multitude of Witnesses—by Mr. Wood himself—by
Mr. Lloyd—and a great number more Gentlemen.—
 " I accordingly did call for Billy Pitt the Tory, just as
 " I had before called for the *Vicar of Bray*, or as
 " I should have called for the song on the *Coalition*, or
 " any other song which I had been requested to ask for"
 —This Mr. Roberts calls "vociferating for a song on
 " Billy Pitt the Tory, soon after the cloth was removed,"
 and says, "Not a moment's reflection was required, to
 " discern the dishonor which at that instant obscured the
 " Chair."—"It is very unfortunate for Mr. Roberts that
 " he did not make use of a moment's reflection, because, if
 " he had, I am willing to hope he would not have *exposed*
 " *himself* in the manner which he has done."

Is there any thing peculiarly harsh in that expression?
 and yet, I believe, you will find that the most intempe-
 rate and harsh expression in the whole of this paper,
 written, as you observe, in answer to the volume of
 abuse I have been stating to you—"but have been
 " convinced, as I flatter myself every other Gentleman
 " present was, that my conduct as Chairman that day
 " was *strictly proper*.—To a more respectable meeting it
 " is impossible to appeal, where the most perfect har-

Z

"mony

“mony prevailed, except at the moment that Mr. Roberts interrupted it.”

Is that the fact? Was there any other interruption?—If Mr. Walker had been of the haughty overbearing disposition imputed to him—if he had been so apt to counteract the pleasure of the company, and impose his pleasure upon them—would this have been the *only* interruption of the harmony of the day—and yet *it was the only one*—There was not a symptom of discontent at the time when Mr. Roberts resisted a song, which, whether it ought to be sung or not, is immaterial—there was reason enough to withdraw it if any Gentleman disliked it.

“Had I persisted, or had I been at all solicitous to have the song sung, as Mr. Roberts insinuates, I have no doubt but it would have been sung; as I only heard of two Gentlemen besides himself who made the least objection to it.”

It is stated by several witnesses, that the majority of the company were clearly for the song, and that if Mr. Walker had been inclined to persevere, he would have been supported in that perseverance—so that the *facts he has stated*, are not only *temperately stated*, but are now VERIFIED UPON OATH.

“Mr. Roberts then speaks of his *intended* politeness and civility, and of my telling him that I was no Boroughreeve there—which I certainly did, and for this plain reason, that it was the *fact*.—He then speaks of my *looks*—what they were I cannot pretend to say—he might perhaps excite my pity, but I am certain he did not provoke my anger.”

Now is there any thing malignant in this expression?—Is this the sort of libel that my learned Friend talks of, which

which should warrant Mr. Roberts in pouring forth that torrent of *low, vulgar abuse* that followed it.

"Mr. Roberts appears to have the *cacoethes scribendi* very strong upon him."—It is not very unfair to make this observation—a person who has written so much, and, according to his own declarations, meant so little by it—for when his letters are understood to import a *challenge*, he *disclaims that meaning*—when they are understood to import an overture to amity, he *disclaims that meaning also*—Mr. Walker goes on, "but having neither leisure nor inclination to indulge the disorder, even if I were afflicted with it, I shall be as brief as possible, and ask him, by what system of ethicks he was taught to consider it *right*, to attempt to provoke a man, *circumstanced as I am*, to do that, which, he thinks wrong, *circumstanced as he is*.—Had Mr. Roberts known me or my principles, he would have known this, that however strong my private attachments may be, they shall never lead me, either as Chairman at a Dinner, as Boroughreeve of Manchester, or in any other situation in which it is possible for a man to be placed, to promote the interests of individuals, at the expence of the rights, the happiness, or the advantage of the public.—Whether *I wished* to have terminated the difference between us rationally, is, I think, *very evident*, from my *second letter*.—Whether *Mr. Roberts wished it*, is *equally evident from his third*."—Then Mr. Walker says, "Unwilling any longer to trespass upon the patience of the public, I shall leave them to decide from the following correspondence, to whom the charges of inconsistency, absurdity, arrogance, folly, impertinence, indecency, &c. attach—and observe only, that in my opinion, and I trust in the opinion of

" every man of common understanding, the letter which
" I returned unopened, is *fully* answered by my *first*
" Letter."

This is the temperate language which Mr. Walker uses, in answer to the four violent letters that had been published against him, and in answer to all the slander which was buzzed in the ears of Ladies at Theatres and Card Tables, and scattered besides in every quarter in which Mr. Roberts chose to indulge his vanity by the circulation of it.

This produces an address to the public from Mr. Roberts, and I wish you would have the goodness to compare them letter by letter.

" Skilled as Mr. Walker is in the art of polishing
" a story, he has found one too hard for his file—The
" plain tale which I told him in my first letter he completely admits to be true— He acknowledges his calling for that Song, but endeavours to exculpate
" himself by saying, that he called for it as he would
" for any other Song. Had the public been informed,
" that under colour of a Revolution Dinner, Gentlemen
" were to be drawn there, and when there, expected to
" listen patiently to paltry abuse of the Minister, I
" believe several besides myself would have been content to have remained at home."

Now, was the purpose of the Meeting such as Mr. Roberts represents it to, have been?—If it was, the greater part of the Gentlemen present, who were of the same political principles with Mr. Walker, would probably be confederates in this same unworthy purpose, and of course fall within the scope of his reprobation on this account—What degree of gratitude they will owe him for this degrading imputation upon them, of having called a Meeting under the colour of a Revolution
tion

tion Dinner, but in fact for the purpose of drawing in others to listen to paltry abuse of the Minister, I leave him and them to settle.

"He strives also to justify himself by throwing blame on some Gentlemen who sat near him—an instance of his candour!—these Gentlemen being wrong, he joins them in being so—an instance of his judgment as a Chairman!"

"With respect to his behaviour to me, he acknowledges that it was impertinent"—Now I demand of Mr. Roberts *where* has Mr. Walker ever yet *acknowledged* it? *It is perfectly untrue*—There is not a line in all this book, in which Mr. Walker acknowledges any thing like it—There is not a line in all this book, which furnishes an inference in respect to Mr. Walker's own sense of his own conduct, as being other than what became him upon that occasion—but an *indolent reader*, who should turn over a page or two of this work, without reading the rest of it, would have *supposed, from the assertion here made*, that Mr. Walker had in terms confessed himself to have behaved in such a manner, as to have fairly deserved the appellation of impertinent.

"We only differ about the species of impertinence—" I say it was haughtiness, arrogance—he says, with "affected self complacency, that it was perhaps his pity that I excited."—Mr. Roberts then goes on, and says,—"*I do most seriously and SOLEMNLY declare, before God and the world, that his behaviour to me was overbearing, insulting, and haughty to an extreme degree, and without any other provocation whatever but my opposition to that song.*"

If the haughtiness and arrogance of behaviour here so strongly charged upon Mr. Walker be, as I suppose it is, the angry look which Mr. Seddon speaks to, had
it

it no other provocation than the resistance Mr. Roberts made to the calling for that Song? then if so, *what Mr. Lloyd has positively sworn is not true*, and those words of *further insult did not pass*, which might well crimson the cheek of any Gentleman, who was at all susceptible of the passion of anger—"God damn you but you shall hear from me!" Were not these words a *further provocation*? and yet MR. ROBERTS, APPEALING TO GOD ALMIGHTY FOR THE TRUTH OF HIS ASSERTION, VENTURES TO STATE SOLEMNLY TO THE PUBLIC, THAT THERE WAS NO OTHER PROVOCATION GIVEN TO MR. WALKER BUT HIS RESISTANCE TO THE SONG.

"He boasts of his silence in this business"—Did Mr. Walker boast of his silence? I do not think it became him to boast of it, but it became him to observe it as he did, without making any boast of it—but what shall I say of that man who did not keep silence on the subject—who made *his own valour* the theme of his *own modest commendation*, and the subject of *public display before the LADIES*, at a time when, in my poor judgment, he might have been much better employed in approving it on the person of his adversary?

"Mr. Walker, I understand, pacifies himself with the wondrous spirit of his first letter—if any other comment were necessary besides the contents of my reply to it, 'tis this—that if he in one of his sudden paroxysms of bravery chose to address me like a Bully, it did not follow that I was to retort on him like a Russian."

Now what does he mean by sudden paroxysm of bravery?—If he alludes to Mr. Walker's letter, in answer to his first letter, he might have seen that there is nothing in it which bears any the remotest resemblance to the conduct of a Bravado and a Bully—it is
the

the grave retort of a man of honour, conscious of his own firm spirit, and answering a wanton provocation and insult, with perhaps an *unwished for* degree of alacrity and resolution.

He says afterwards, "This affair would never have reached the public eye, had he opened my last letter."—His mode of arguing is this—that if in the course of a correspondence with any person I may have received several letters, and chusing to put an end to the correspondence, I should not open the last of them; it warrants the writer immediately to publish the whole series of my former correspondence with him.

Now will it be contended that a person has a right to publish all the Letters he may have written to me, and I to him, merely because I nauseate his correspondence, and am sick at receiving any thing more from him? and that alone is the very ground upon which Mr. Roberts founds a right of laying his valuable compositions before the public.

Then comes a publication from Mr. Walker, in which he does complain, and justly complain; that having offered Mr. Roberts *either amity or battle*, he stood aloof, and *would accept neither*.

"In whatever manner Mr. Roberts had thought proper to have called upon Mr. Walker, immediately after the receipt of any of Mr. Walker's letters, Mr. Walker would have held himself bound to have attended Mr. Roberts's call; and which, if Mr. Walker is not greatly misinformed, Mr. Roberts was fully acquainted with—but Mr. Walker can by no means think it incumbent on any man, to be ready at any time (*however distant from the origin of a dispute*) to bolster up the character of another, whose conduct in that dispute has justly degraded him from any

"any pretensions to rank as a Gentleman, or a man of honour."

Now does Mr. Walker say true, or does he say false in this? Had Mr. Roberts by his conduct upon that occasion forfeited those pretensions? if to come forward with voluntary, unprovoked, *premeditated* insult—if to retire from battle, when battle is offered—if when amity is offered, to appear to misunderstand the proposition, and to treat it *slippantly* and *rudely*—if at a time, and when the party is sick of your correspondence, and has done with it, you are to din the public ear with a story, which every private circle has been long tired with hearing—if this conduct is at all consistent with the Laws by which men of honour and delicacy comport themselves, I am perfectly at a loss to know what those laws are, and what are the qualities, character, and principles of men of honour.

These are the words of provocation my learned Friend brings forward in excuse for his Client—this is the ground on which he stands to vindicate this *most malignant and mischievous Libel*—My Friend says, why did not we apply to the Court of King's-Bench? he knows as well as I do, that the Court of King's-Bench would have *refused* an Information, if Mr. Walker had applied for it, after writing his *first* letter—Why, says he, did we oppress Mr. Roberts with an action?—If Mr. Walker had chosen to indict Mr. Roberts, what would every person around me have said of Mr. Walker—would not the public have justly said, that he was afraid to give Mr. Roberts an opportunity of stating upon the record certain parts of his conduct, which entitled him to the appellations which Mr. Roberts has thought fit to bestow upon him—They would say, Mr. Roberts has charged him with being a Scoundrel—

Scoundrel—which I do again contend is not a general, unapplied, unmeaning term of abuse.—My Friend says it is not actionable—My Friend admits that written slander is the subject of an action, when the same matter, as oral slander, would not be so—but is it not slander to state in a written paper, *that a Gentleman is destitute of every moral and honorable principle?*—Is it not grossly defamatory of any person who claims a place in liberal society? and yet this is the fair import of the opprobrious term *Scoundrel*.—My Friend would have you consider this word either as wholly without meaning, or as expressive merely of the heat and anger of the speaker, without importing any definite and serious charge, upon the character of the person to whom it is applied.

All these *low* and degrading expressions contained in this paper, as Bully, Coward, Scoundrel, with the rest of the abuse which it shocks one now to repeat—all this Mr. Roberts thought himself authorized to obtrude upon public and private attention, by posting it up against the walls and windows of coffee-houses, and thrusting it under the door of Mr. Walker, for the purpose of galling him and his family with the sight of such *indecent and venomous* matter as it contains—this he thought himself warranted in doing, because Mr. Walker chose to decline opening the *fourth* of his series of letters, written on the subject of a *frivolous unmeaning* dispute, in the course of which, he had an election offered him to terminate it *in any way he pleased*, but did not, for reasons of *vanity or prudence*, condescend to name any.—Is this the way in which Mr. Roberts thinks fit to treat a Gentleman, acknowledged by my learned Friend himself to be a person of the first respect and character in the place in which he lives?—

A a

that

that is to say, to insult him in private, and traduce him in public, upon no assignable ground of injury whatever, but merely for a *look*—a *look* capable enough of being misconstrued; but which, if ever so severe and harsh, and clearly applicable to Mr. Roberts, he, by his own *premeditated insult* had provoked—If that *look* had conveyed a sentiment as harsh and rude as the language of the Defendant—

Mr. *Chambre*. What language?

Mr. *Law*. The language I mean is this—"God damn you, but you shall hear from me"—If that is not *rude* and *brutal* language, I don't know what is—My learned Friend seems to me to be *infected* by the *contiguity* of his Client, and (when sitting by his side) to think that *not* to be disagreeable and irritating, which his own honourable feelings would *otherwise* tell him *was grossly so*.

Mr. Seddon *heard not the language*, and did not know at what precise moment that *look* was put on; and it is consistent with his testimony, that the look should have preceded the words instead of following them, and being occasioned by them—In God's name, is an *angry look* from one man to be a warrant to another to retire to his closet to write an insulting letter, as a sort of experiment of his opponent's temper and courage, and afterwards to follow it up with a series of insults more provoking than the first—then to detail and publish that correspondence which was the original vehicle of these insults—and, last of all, to distil the whole *venom* of the collection into a little portable phial of this sort, which every man may carry about with him, and, if he is fond of such *poison*, *open and sip it at his pleasure*.

I said,

I said in my first address to you, that this might travel beyond the limits of the realm—My learned Friend professes to think the supposition ludicrous—But what is there to prevent any one, who is the Enemy and Rival in Trade of Mr. Walker, from sending it to every foreign Country in which he has connexions and concerns? and we very well know, that the English language is, from the extent of our Commercial and other concerns, now almost as generally known and talked, as the language of France is in foreign parts.—Will any person say, that if this libel was sent to Amsterdam, Francfort, Paris, Naples, and many other places, it would not be intelligible at all of them? or will any one assert that some man, envious of the prosperous and advancing fortune of the Gentleman near me, might not send that paper abroad, and thereby give effect to the *Malignant purpose* of its original *Publisher*?—This is a paper containing the most gross and illiberal invective, and proceeding *confessedly* from the most *unequivocal purpose of predetermined malice and resentment*—and if you do not upon this occasion make the author of it smart severely (*you will not understand me as wishing his entire ruin—God forbid I should*)—If you do not make him feel by his own painful experience, how dangerous a thing it is to *malign* and *traduce* the fair and unblemished reputation of his neighbour, you will be more wanting in your duty to the parties and the public, than I expect to find a Jury of the County of Lancaster—You will, I have no doubt, apply such a measure of chastisement, as will compel Mr. Roberts to *abstain from such mischievous and scandalous practices in future*—and will enable Mr. Walker who has been thus injured, to keep his head erect in Society, and to proclaim to the world through the medium of your Verdict, in the event of which his honour, his fame, and his fortune are so deeply interested,

that he is not that man of infamous principles—that he is not that man of degraded courage—that he is not that man of mean and base habits of conduct, which this paper represents him to be.

If you give very trifling damages, you effectually put your seal to his condemnation—you say that in your consciences you believe him to be base—that you believe him to be that Scoundrel—to be, in short, all that compound of vile qualities, which Mr. Roberts has proclaimed him to be—It is really too painful for me to repeat, and I will readily spare you the disgust of hearing the terms of this *illiberal invective* again.

The case, on the part of the Defendant, has been aggravated, by a perpetual succession of new and progressively more offensive Libels—Have you any evidence, that Mr. Roberts has ever yet repented, or attempted to atone for any one of these offences?—Every man has his returning moments of recollection and reason.—Why did not Mr. Roberts seek Mr. Walker, as he ought to have sought him, by overtures of a conciliatory nature, and by that proper degree of self-humiliation, which does not dishonour any man who has done an injury to another?—In truth, a man so circumstanced dishonours himself much more by a wilful perseverance in the wrong which he has done, and by shewing none of that compunction and sorrow, with which the Author of our being meant our hearts should be touched, when we had done any signal wrong or unkindness to our neighbour.

Gentlemen, I do recommend this matter to your very serious consideration—If VIOLENCE and INSULT are to break in upon the moments of our festivity and cheerfulness—if Malice, originating from any such Causes as appear to have given birth to this—if the eagerness and acrimony of political difference, and what is contemptible indeed, a mean wish, not
obscurely

obscurely intimated, of attracting the notice and attention of a great person, more likely, if I form a proper estimate of his mind and character, to despise than to reward the noisy support of a public brawler—I say, *if motives like these* are to induce a man to interrupt the good humour of a Meeting—to retire with a gloomy purpose to his closet—to carry that purpose further on to a duel, or, what is worse, perhaps, to the idle menace of an unprosecuted duel, there is an end to all Society, and I know not a *more pestilent creature* that can be supposed to exist—yet this person, I am sorry to say, Mr. Roberts must appear to you, *upon the evidence before you*.

But my learned Friend desires you to forget every insult with which *the malice of the Defendant* has loaded Mr. Walker, because, after the publication of a long series of defamatory letters, Mr. Walker comes forward with a temperate appeal to the bar of that public to which he is *unwillingly dragged*—the most worthy and respectable people have been compelled occasionally, by the imputation of what is *false and base*, to state to the public their own innocence, in the mode which Mr. Walker was *compelled to adopt*, for the mere purpose of his own self-vindication.

Feeling it as I do, a question on which Mr. Walker's place and estimation in society—*his domestic happiness and his REPUTATION*, which must be the foundation and support of both, most materially depend—I trust you will not think your time has been misemployed in giving a patient audience to the observations and arguments I have endeavoured to urge, and in giving a full and dispassionate consideration to the evidence I have laid before you.

Before I conclude, I will take the liberty of mentioning, that at the distance of more than *three weeks* from
the

the first publication, Mr. Roberts prints what I will now state to you*—

Mr. *Chambre*. That is not in evidence.

Mr. *Law*. I delivered the whole book in as evidence—not conceiving that any particular paragraph would be objected to, because I had not desired the Officer to read it at the time—more especially as my learned friend declared he had no objection to producing every thing which Mr. Roberts had written for your inspection†. However, Gentlemen, if in turning over the book, your eyes should fall on such a passage as I allude to, you will see another act of meanness—another insult; in addition to all the other accumulated injuries which Mr. Walker has had heaped upon him; you will apply that too as you ought—The Case, however, needs no such addition—it is complete without it—it is an unexampled case of wanton insult and outrage, to the feelings of a man of honour—an unprovoked call upon a man who has a dear and important stake in the world, to risk an untimely separation from all the comforts and connexions of social life—to cut asunder the ties which bind him to every thing he holds dear, and is required, by the laws of God and man, to support and cherish, for nothing but to gratify the MALICE of a person who seeks either his life or his shame, if he should fortunately

* Part of the Defendant's Pamphlet, dated the 3d. of December, 1790, in which he re-publishes the Correspondence, &c. with his Remarks thereon, and of which Twelve Hundred Copies were printed, In the preface he says, "The Pamphlets are now selling by the booksellers in Manchester—the profits, Mr. Roberts has directed to be added to the Charity which is annually distributed by the *Boroughreeve*"—Mr. Walker being the *Boroughreeve*, he was thus to be made, according to the idea of the Defendant, not only the public, but the perpetual recorder of his own infamy.

† See page 102.

fortunately find him slow in answering such a Call, and be able to impute to him that, which, according to the habits and prejudices of the world, usually degrades and dishonours the object of such imputation.—Mr. Roberts has failed in the execution of this purpose—he has not failed, however, in another which he equally entertained—I mean in giving Mr. Walker the most acute pain, and irritating his sensibility to the extremest degree, by a publication containing more variety of insult, than I should have conceived it was possible to comprize in the compass of one little volume—and at last concentrating all its malice in that short, but envenomed paper, which is the subject of this Action.

We are not able, in actions of this sort, to give precise evidence, if, indeed the allegations on this record would warrant us in so doing, of the actual damage received by the complainant, because *slander of this kind naturally works its way unseen—does its mischief where no eye can discern, no hand trace, nor wit of man discover its actual and immediate operation—and the only way in which it is generally felt, is by the slow and gradual, but ultimate and effectual depression and RUIN of the person and FAMILY who are the objects of it.*

If you wish to preserve your own names pure and untainted, you will put the stamp of your reprobation upon this unprovoked attack, and make the Defendant feel, that the character of a GENTLEMAN AND A MERCHANT is not to be insulted in the County of Lancaster, without making ample reparation for such an injury.

SUMMING UP.

MR. BARON THOMSON.

GENTLEMEN OF THE JURY,

THOMAS WALKER, Merchant, is the Plaintiff,
and William Roberts, Esq. is the Defendant.

This Action is brought to recover a satisfaction in damages for an injury which Mr. Walker complains he has received from the Defendant Mr. Roberts, by the publication of a Libel against him—that Libel is contained in the following words.

“ Mr. Thomas Walker commenced his virulence
“ against me like a Bully—has conducted it like a
“ Fool—has acted in it like a Scoundrel—has ended
“ it like a Coward—at last has turned Blackguard—
“ and unworthy of association with, or notice of any
“ Gentleman, who regards his own character.”

WILLIAM ROBERTS.

And you have been, long ago, in the course of this cause, apprized, that the question for your consideration, is not whether you are to find your verdict in this case for the Plaintiff, or for the Defendant—for it is admitted, that the Plaintiff is clearly entitled to your verdict—That this is a libel there can be no doubt—that it has been published by the Defendant, and
published

published with great marks of notoriety, has certainly been made out in evidence, and therefore the only question for your consideration is, what damages you think in your conscience the Plaintiff is entitled to receive from the hands of the Defendant, by reason of the publication of this Libel—and that will depend upon all the circumstances of the Case, which you have had laid before you this day—for you have been truly told, that this is not an Action in which the Defendant is proceeded against criminally, by way of punishing this Libel, as matter of public offence—but it is to give the Plaintiff a retribution in damages, for that injury which he has sustained—therefore in estimating these damages, the conduct of the Plaintiff himself must be always taken into consideration.

It happens (you will agree with me I dare say) very unfortunately, that a business of this nature could not have found its way to some amicable accommodation—and lamentable indeed is the Case, which one of the witnesses on the part of the Plaintiff has told you, that this matter is now become a question of party in the Town of Manchester—probably that circumstance has prevented something of a reference, which it seems, from some of the letters that have passed, was once in contemplation—however, that not having taken place, it devolves upon you to say, what pecuniary damages the Defendant ought to pay the Plaintiff for the part that he has acted.

This business had its origin you see in a meeting that was held upon the 5th. of November, to commemorate the Revolution.—It has been attempted on the part of the Plaintiff to give some evidence before you, to shew, that really whatever offence the Defendant might have then conceived at the Plaintiff, it was not the origin of

B b

this

this matter, but that he harboured in his mind some ill will towards the Plaintiff before this period; and therefore that what he conceived at this Meeting was rather provocation that he himself is supposed to have sought—and they would attempt to shew you, that some misunderstanding had prevailed before this time between the Plaintiff and the Defendant, respecting an Infirmary Meeting.

Mr. Hilton, who is the Secretary to that Infirmary, tells you, that he attended the Meeting at Michaelmas—that the Plaintiff and the Defendant were there—it was a Meeting to consider the propriety of rescinding some Resolutions respecting the Infirmary Physicians and Surgeons—that there was a difference of sentiment between Mr. Walker and Mr. Roberts upon it—and after this, upon the Monday evening the first of November, he saw the Defendant at the Bridgewater Arms, in the public Coffee-room—that Mr. Milne and the witness were together—the Defendant came up to him, and said, Mr. Secretary how do you do—what you are going to have another Meeting, a special Board, I understand—The witness asked him whether they should see him there—he said he could not tell—he supposed that the great Walker would be there—by which the witness understood him to mean the Plaintiff.—Mr. Roberts said he had been dining at Messrs. Heywoods, the Bankers, and they had been rallying him about the speech he made at the Infirmary, and he mentioned Benjamin Potter for one—he said, Mr. Potter had asked him whether he had not a speech ready written, which he intended to speak at the Special Board; and he said, that the company had paid him a very poor compliment, to think he could not speak as well as Walker—that he called Mr. Walker a number of names,

At

—At this time Mr. Roberts had had too much wine—he had just come from dinner, at which the company had been jeering him on the supposed superiority Mr. Walker had over him.

He asked the witness, if he remembered Mr. Walker using him ill at the prior Board—there were, we understand, two Boards*—Mr. Roberts said, Mr. Walker was a very proud, haughty, overbearing, imperious fellow, and the first time he had an opportunity he would quarrel with him—That there was no man he would so soon quarrel with—that the town had given Walker credit for being a very clever fellow, or a clever man—He repeated several times that he was a passionate haughty man, and that he would quarrel with him the first opportunity—he talked a good deal about challenging him too, and he said that Mr. Walker had contradicted him at the Infirmary, and he was very sorry he did not call him a damned liar at the Infirmary.

In a few days after, on the 5th. of November, was the Revolution dinner. On the day following, which was the Saturday, he saw Mr. Roberts at the Coffee-house—Mr. Roberts asked him if he had heard of the quarrel—the witness asked him what quarrel—Mr. Roberts seemed surprized that he had not heard, and told him, he had quarrelled with Mr. Walker at the Revolution dinner the day before, and he was surprized that he (Mr. Hilton) had not heard it, for there was a large company, and it was well known up and down the town.

Mr. Roberts then went out of the room into another room, and sent for him in, and repeated that he was surprized the witness had not heard of this quarrel, and said, he would shew him the letters which had passed,

* One upon the 23d of September, 1790, and the other upon the 4th of November following. See pages 33, 78, and 135.

which could, at that time, you observe, be but two—he said he expected Mr. Walker would send him a challenge—that does rather import, that he apprehended his letter to Mr. Walker would have induced a challenge—he said, if he did not send him a challenge, he would blow him, for he would advertise the letters that passed—The witness told Mr. Roberts, that if he was in his situation he would not think of it—Mr. Roberts said he supposed the Manchester printers would not print for him; and if they would not insert it in their papers, he would have it inserted in the London papers, cost what it would, and that he never could forgive Mr. Walker for the insult—He said something of Mr. Pitt—“Who knows but Mr. Pitt may get to hear of it”—is the expression which the witness says he made use of.

Afterwards, between the first and the twelfth of February—that is, after the action was depending, and there is not a great deal in that—he said Mr. Walker was going forward with the action, and that he had retained all the counsel against him—I think it is pretty clear, from what you have heard to day, that he had not retained all the counsel against him—he said he hoped he would try it, and that he hoped and wished that there would not be forty shillings damages given—That Mr. Walker had treated him with great insolence, and that if he (Mr. Roberts) submitted to it, neither he, (the witness) nor any other Attorney would employ him—That he bore Mr. Walker no ill will—that he should be very happy to shake him by the hand—that he was doing very well in Manchester—that he considered himself as a Gentleman, and would not be treated otherwise by any one.—He said he was doing well in his business, and getting money, owing, as he supposed, to Mr. Lloyd being so much out of town—he said he wished he had one good counsel to plead his cause, because he understood

understood it was the etiquette that he should not plead his own cause—he said he had One Hundred and Fifty Pounds lodged with his Banker.

On his Cross Examination he is asked as to the condition which Mr. Roberts appeared to be in, the first time he conversed with him upon the subject of the Plaintiff at the Bridgewater Arms—he said it was between eight and nine at night, and Mr. Roberts had been dining at his Friends.

The next meeting was after dinner too—he shewed him two or three letters, both his own and Mr. Walker's letters—he sent for him into a room—he went there, and drank wine with him—he did not then say he should be glad to shake Mr. Walker by the hand—and this conversation he afterwards related, as a private one between Mr. Roberts and him, to Mr. Richard Walker, the Brother of the Plaintiff, who came to him to know what conversation he had held with Mr. Roberts upon this subject about his Brother.—He speaks of Mr. Walker as being a very active man in the town of Manchester—that is what most of you know, and did not want any witnesses at all to prove—and a very considerable Merchant and Manufacturer.

Mr. Thomas Milne speaks also to being at the Bridgewater Arms, upon Monday preceding the 5th of November—that the last witness was there—there was some conversation about the Infirmary, which the witness did not hear the particulars of—Mr. Roberts talked about Mr. Walker's violence—said there was no man he would so soon quarrel with, or be offended at; and he believed he did say, that if Mr. Walker was to offend him he would challenge him—The witness does not recollect him saying any more—he did not pay much particular attention to the conversation—he himself was reading the news paper on the other side of the room.

They

They then come to give Evidence of what passed at this Meeting, upon the fifth of November.

Mr. Ottiwell Wood was at the Revolution dinner upon the fifth of November — the Plaintiff was Chairman. — After dinner several songs were sung — one or two by other persons before he (Mr. Wood) asked Mr. Walker to call upon a Mr. Taylor to sing — and Mr. Wood himself particularly mentions the song which was called for, " Billy Pitt the Tory " — that this song was called for at the request of Mr. Wood, by Mr. Walker, in the same mode others had been called for — he was induced to call for it, because others near him were of the same opinion — so he went up and desired Mr. Walker to call for that song. — Mr. Walker's conduct was that of a Gentleman in every respect.

Upon his Cross Examination he says, he sat at a different table from Mr. Roberts — he sat at Mr. Walker's table — he thinks Mr. Philips sat at Mr. Roberts's table. — After the song was called for, he heard some objection to its being sung — he did not know from whom — the voice seemed to come from the other table — he cannot tell who opposed it — however, it was not sung, on account of the opposition made to it — Another song, to which no objection lay, " Rule Britannia," was sung instead of it.

George Lloyd, Esq. was at this Revolution dinner, on the fifth of November — There were four Stewards of this meeting, out of whom they themselves chose Mr. Walker as Chairman — he was desired to take the Chair — he sat at the head of one table — Mr. Hopwood at another — Mr. Lloyd says it was a pleasant Meeting for about an hour after dinner — one Witness speaks of its being about two hours and a half before this little disturbance began — he says there had been several Catches sung after dinner — then the High Sheriff was called upon, and sung

sung a song — Afterwards, Mr. Rigby desired Mr. Walker would call upon some Gentleman to sing another song — “the Vicar of Bray” — that was sung by Mr. Hobson.

In a little while Mr. Wood came up, and desired Mr. Walker to call upon Mr. Taylor for the particular song you have heard mentioned — “Billy Pitt the Tory” — Mr. Walker did call upon him, in the same way he called upon the others — Mr. Walker, in proposing it, was merely the instrument of others — Very soon after the song was called for, before Taylor had begun to sing it, Mr. Roberts, who sat at the other table, with his back towards Mr. Lloyd, and lower down, got up, and said it was a party song, and not proper to be sung there — Mr. George Philips, who sat next him, got up, and said he seconded Mr. Roberts’s motion, and said a few words — This occasioned a good deal of noise in the room, saying they would have it sung — however, Mr. Taylor began another song — During the singing, and after it was over, many gentlemen came up to Mr. Walker, and desired he would call for that same song, as there was a majority who would support him in it, and they would have it called — He said he did not wish it, and he would not call for it again — Mr. Lloyd says he believes he himself asked Mr. Taylor afterwards to sing it, and he refused.

Almost immediately after this Mr. Roberts got off his seat, and came up to Mr. Walker — he said, “Mr. Boroughreeve” — In what manner he said that — whether by way of insult, or not, does not appear — Mr. Walker did in fact hold the Office of Boroughreeve — Mr. Walker said, “I am no Borougreeve here — I am Chairman of this Meeting” — Mr. Roberts immediately said — “Sir, in future I shall neither address you by that, or any other title” — and immediately added “God
damn

"damn you," as he turned from Mr. Walker.—When Mr. Roberts got almost to his seat, he turned round again, and said—"but you shall hear from me"—Mr. Walker said—"Very well."—Mr. Lloyd thinks Mr. Roberts went away soon after, for he looked for him at his place, and did not see him.—Mr. Lloyd was at the Infirmary meeting prior to this Dinner—there was a difference of opinion about appointing more Physicians and Surgeons—Mr. Walker behaved very well there, and there was nothing insulting.

Upon Mr. Lloyd's Cross Examination he says, Mr. Wood did not ask Mr. Walker aloud to call for this song, therefore Mr. Roberts might not hear it—therefore he might not know whether Mr. Walker called for it, at the request of any one, or of his own suggestion—Mr. Philips, who objected to the song, is a very intimate Friend of Mr. Walker's—he came up to the Chairman—he won't be sure whether before or after Mr. Roberts came up—some words passed between Mr. Walker and Mr. Philips about it—he saw Mr. Philips take up his hat to go—he seemed angry at the treatment of Mr. Walker to him—Mr. Lloyd desired him to sit down, which he did for some time—in a few minutes afterwards he was gone—Mr. Philips and Mr. Roberts both went away.

Mr. Walker spoke with some degree of warmth, when he said—"I am no Boroughreeve here"—Mr. Walker said, with some degree of warmth, he was angry at Mr. Philips—he said, "I am only angry at George Philips—"he ought to have known me better"—Mr. Philips and Mr. Walker being intimate friends—He thinks Mr. Roberts could not hear this—he expressed his displeasure at Mr. Philips, before either of them came up—this was while the other song was singing—and he shook his hand

hand, to shew his disapprobation to Mr. Philips's opposition to the other song which had been called for.

Mr. Lloyd was asked, whether he has continued from that time to this upon good terms with Mr. Roberts—his answer is, that he has not had any intercourse with Mr. Roberts since the publication of his Posting Paper, for he considered that as putting him to his election whether he would be acquainted with Mr. Roberts or Mr. Walker, and he chose Mr. Walker's acquaintance.

The High Sheriff is then called, who says he was present at this dinner on the fifth of November—he did not hear this particular song called for—he saw Mr. Roberts go up to Mr. Walker, but he did not apprehend he had had a quarrel with the Chairman—he saw no provocation pass from Mr. Walker—indeed he did not see or hear what passed between Mr. Roberts and Mr. Walker.

One of you, Gentlemen, desired to know from Mr. Lloyd, what state the company might be in at this time—Mr. Lloyd described this to be about an hour after dinner—he said he was not aware of any person being then in liquor—he himself was sober—no great quantity of liquor had gone round—probably there might be by some of the company a good quantity of liquor drank before the cloth was removed.

Jonathan Brundrett says, he went to Mr. Roberts's lodgings to get one of these Posting Papers—he took one from a table in the room where Mr. Roberts was—Mr. Roberts gave him leave to take one—there were, the witness believes, a dozen there—he was going to take all—Mr. Roberts said he had only a few, and that he might take one or two—he took half a dozen of them, of which the paper he produces was one—this

was about twelve days after the Revolution Dinner, and, he believes, the day after the publication, which was, he thinks, on the seventeenth of November—he made no memorandum of it—the paper is in the words which have been read—and then he says he saw the correspondence printed.

Upon his Cross Examination he says, some of the letters were printed at Harrop's shop—He is shewn a paper—he says he cannot recollect whether Mr. Walker shewed him any except the Posting Paper, but he believes he shewed a copy of one like it to Mr. Walker—Mr. Lloyd was with him—Mr. Walker asked the witness if he did not receive a paper from Mr. Roberts—he paused, and said he would recollect—Mr. Lloyd said, Mr. Brundrett I have known you a pretty considerable time, and have a great opinion of you—and that from what Mr. Milne had said to him, he had not the least doubt that I should give all the information I knew—he gave it to Mr. Lloyd, at his option either to keep it or give it to him back again.

He says, that his reason for going to Mr. Roberts was, he had been first to Harrop's the printer—not being able to get one of these papers there, he then went to Mr. Roberts's lodgings—Mr. Roberts desired him particularly not to post it up in the street—he mentioned it three times—upon that condition he was to have liberty to take one.—He says a paper (which was shewn him by the Defendant's Counsel) he had seen before—it is one of the publications on the part of Mr. Walker, of course the letter, I suppose of the twelfth of November, or the fifteenth—he had seen the whole correspondence before this came out—he understood from the Defendant's conversation that he was not restrained from delivering a paper to an acquaintance, but not to deliver them indiscriminately—

criminally—he delivered one to Mr. Holt, one to Mr. Milne, one to Mr. Kinnaston, and one to Mr. Lee.

Mr. Kinnaston was with the last witness when he went to Mr. Roberts's lodgings.—Brundrett returned with some papers—he gave him one of the papers.—The day following he met Mr. Roberts's servant, Nelson, at the upper end of Market-street-lane, a very public street—he received a paper from him, which has been produced.

Mr. William Rawlinson says, that a short time after the publication of the papers, Mr. Roberts offered to give him one of them—he would not take it—he overtook him on horseback, and shouted to him—he came up to him, and said, here I have him upon paper—he did not accept this paper which he offered him.

Mr. William Rawlinson has proved, that Mr. Roberts took one of these papers, and put it upon a large pair of Gates at the Carrier's Warehouse—he said, I will put it up here, and expose the Scoundrel—this was in Market-street-lane that leads to London—a very public street—and this was Wednesday the 17th. of November, the day he thinks of the first publication of the Letters.

Mr. Daniel Whittaker says, upon the 16th. of November, on a Tuesday, he was on a visit at Mrs. Howarth's—several Ladies and Gentlemen were there; they were playing at Cards. Mr. Roberts came in—he sat down by the Witness, and began by saying, that he thought he had done the fellow completely, or something to that effect. He pulled a paper out of his pocket, and said, "Read this"—it was the paper the witness has heard read in the Court.—Mr. Roberts asked him to read it.—he just skimmed his eye over it—not liking the contents, he endeavoured to evade it, by saying it was not a proper place, before the Ladies, to talk upon a subject of

that fort—Mr. Roberts said he would read it—then he read it—it was not read to the Witness as a private matter—Mr. Whittaker told him he was very sorry.

Upon his Cross Examination he says, he was well acquainted with the quarrel—he had seen all the correspondence before—He was shewn a paper by the Defendant's Counsel—he says he had seen such a one repeatedly—he cannot say whether before or not—that was one of the papers published by the ~~Defendant~~ *Plaintiff*.

John Kay has proved one of these papers being wafered up against the wall of John Shaw's punch-house, in Manchester, which is a place of very public resort. John Shaw came up to him, and said, here is a paper for you—several Gentlemen were at the fifth shambles—he handed one of these papers round—the witness asked him if he would give it him—he said, I cannot—but there is one wafered up just at my door—he took it down—the wafers were quite wet—this was the morning of the publication.

—This, Gentlemen, is the evidence on the part of the Plaintiff—It has clearly and decidedly fixed the publication of this Libel upon Mr. Roberts, in the various ways the witnesses have described to you.

And the case on the part of the Defendant is—that though this Libel has been published by Mr. Roberts, under the circumstances that you have heard, yet you are to take into your consideration every thing that passed between these two parties, previous to this publication; and upon the whole, you are to determine in what degree of damages the Defendant ought to answer to the Plaintiff, considering what the Plaintiff's conduct has been.

They have called Lewis Loyd—he was at the Revolution dinner, and remembers Mr. Roberts's objecting to the song—not in an angry manner—he observed no symptoms

symptoms of anger—he sat next but one to Mr. Roberts—there were no symptoms of anger, but of displeasure—he appeared displeased with it—Mr. Philips seconding the objection, the song was given up—Mr. Walker appeared to him considerably agitated—Mr. Walker shook his head, and directed very angry looks to the part of the room where Mr. Philips and Mr. Roberts sat.

Upon his Cross Examination he says, he thought Mr. Walker directed those angry looks at Mr. Philips, and he knew Mr. Philips and Mr. Walker to be good friends, and that the angry looks were directed to him as his friend—he thought the conduct of Mr. Walker very proper.

William Seddon sat at the table where Mr. Walker was—there were six or seven between the witness and him—The witness did not hear Mr. Wood's application for the song—When it was called for by Mr. Walker, several Gentlemen near him objected to it—Mr. Roberts objected to it first, and the witness did not observe any thing offensive in his manner—he saw no heat or warmth—he either said, “I beg leave to object,” or, “I object to that song”—or words to that effect. Mr. George Philips also objected, and made a short speech to the Chair—he remembers Mr. Grant and Mr. Samuel Birch also objected—that Mr. Grant is brother-in-law to Mr. Walker—that he was very particular in preventing this being sung—The witness sat opposite Mr. Taylor, and he believes Mr. Grant and Mr. Birch objecting to it, was the reason why it was not sung—that the Gentleman did not sing that, but another song, “Rule Britannia,” instead of it—He observed Mr. Roberts go up to Mr. Walker—he did not see any warmth in him till then—he saw Mr. Philips go up to Mr. Walker, whether before or after Mr. Roberts he cannot

cannot say—he saw Mr. Walker very much agitated—he did not hear what was said—his looks impressed the witness with an idea of contempt and hauteur to Mr. Roberts—they were directed immediately towards Mr. Roberts—the witness sat next to Mr. Grant, and called Mr. Grant's attention, and made the observation on Mr. Walker's looks to Mr. Roberts at the time.

Upon his Cross Examination, he is asked if he has any concern in this Cause, he being an Attorney—he says he has none, nor has he ever been applied to for that purpose—he said Mr. Walker called out many times for “Billy Pitt the Tory,” after the song was objected to—but he does not know whether before or after Mr. Philips objected to it—he explains himself by saying, that when he called for it, he called several times together; and did not persist in it—he did not hear a single word on either side—When Mr. Roberts went up to Mr. Walker, Mr. Walker seemed extremely angry—Mr. Roberts looked very angry when he came away—his face was very much flushed, and he was very much agitated—he did not hear “Rule Britannia” called for—Mr. Taylor began singing it while the bustle was going on.

Mr. Grant, the Brother-in-law to the Plaintiff, proves there was a great deal of opposition about the song—Mr. Walker called out “The song—the song”—and he thinks Mr. Walker called for it during the opposition—he thinks it was between two and three hours after the cloth was removed.—He differs extremely in his recollection from Mr. Lloyd—he applied to Mr. Taylor not to sing it—he opposed it as being a party song.—In consequence of an observation from Mr. Seddon, the witness looked at Mr. Walker, and thought he looked angry, but something more like contempt than anger—he mentioned

oned to his Brother that he thought he should not have called for that song.

Then, Gentlemen, on the part of the Defendant, they lay before you the Correspondence which passed—the several letters that you have heard read between the Plaintiff and the Defendant—and in the course of that examination, the Plaintiff has also introduced a publication subsequent to the publication of those letters, containing observations—pretty strong observations—on the part of the Defendant, upon the conduct of the Plaintiff, independent of the series of Letters that have been read.—These Letters you have heard commented upon very fully, both by the Counsel for the Plaintiff and for the Defendant, and you are fully possessed of them.—This observation, however, belongs to them—that the first publication, and the first appeal at all to the public, began most undoubtedly on the part of Mr. Roberts—he was the person who published his Letters to Mr. Walker, and published Mr. Walker's Answers—then appears an account of the matter from Mr. Walker, and then comes out a Reply to that, on the part of Mr. Roberts—and then comes out, on the part of Mr. Walker, the publication of the fifteenth of November, which immediately you see precedes the publication of the Libel now in question—and in this last publication of Mr. Walker's, there certainly are reflections upon Mr. Roberts, as degraded from any pretensions to rank as a gentleman or as a man of honour—there are also expressions in that letter, which accuse Mr. Roberts of standing convicted of falsehood before the public—and there are also observations upon the valour and the veracity of Mr. Roberts contained in this letter.

Now, upon the publication of this last letter of Mr. Walker the plaintiff, it is proved to you by Thomas Nelson,

Nelson, the servant of Mr. Roberts, that he saw this publication upon Tuesday the 15th. of November, at two in the afternoon—that Mr. Roberts came home between five and six in the afternoon—that he showed Mr. Roberts that paper—that he read it, and seemed to be greatly agitated and enraged at it, and changed colour—he read it *, and wrote what they call the Polling Paper †, in a minute and a half—that he gave it to the witness, and said he might carry it to the printer's—it was eight o'clock before, it was taken from the press—the witness went back to his master—he posted two or three the next day—The witness put it up at Shaw's punch-house—nobody ordered him—he gave four or five to Mr. Roberts—the witness distributed them all in the morning.

This is the evidence on the part of the Defendant.

Most undoubtedly, as I said before, the first publication of these letters was the act of Mr. Roberts himself; but immediately preceding the publication of the libel in question, was that publication of Mr. Walker's which has been read to you.

This is, as you have been told, an action for damages—and the question is, What, in your opinion, Mr. Walker, the plaintiff, ought to receive, under all the circumstances you have heard—You will guide yourselves by sound discretion and moderation, and give such a verdict as I dare say will give ample satisfaction.

The Jury, after having retired for about half an hour, found a Verdict for the Plaintiff.

Damages, One Hundred Pounds.



• See Pages 136 to 140.

† See Page 10.

